SENATE—*Friday, June 15, 1984*

(Legislative day of Monday, June 11, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Honor thy father and thy mother; that thy days may be long upon the land which the Lord thy God giveth thee.—Exodus 20:12.

Father in Heaven, Sunday we celebrate fathers. Bless those in the Senate who are fathers. Grant that we may appreciate the importance of fatherhood in preserving family and home, in preparing children and youth for life. Help us to realize that however we may succeed in life—no success compensates for failure as fathers. To fail in a career is a one generation problem—to fail as a father is to affect generations to come. Father God, help us to take seriously our responsibility as fathers and to give priority to that opportunity. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

RESERVATION OF LEADERSHIP TIME

Mr. BAKER. Mr. President, I ask unanimous consent that both the time allocated to the majority and minority leaders less that which I may use this morning may be reserved for our respective use at any time during the course of this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I remind Senators that at 11 a.m. we will resume consideration of the Department of Defense authorization bill and there is an amendment pending, the Byrd amendment, on which a rollcall vote is expected. The leadership on this side also expects other rollcall votes during the course of today.

May I repeat what I said last evening in colloquy with the minority leader and the two managers. We have been on this bill a while, and I think the time is right for us to consider the possibility of establishing a time certain for final passage.

It would be my hope that during the course of today—if not today, then early Monday—both sides might be able to explore that possibility. The leadership on this side will request staff here to construct a proposed form of unanimous-consent agreement that would provide for only certain amendments to be in order as listed and a time certain for final passage on Tuesday next.

Obviously, I do not have the list of amendments but the reason for making this statement is so Senators who may be within earshot will be aware of it and may wish to identify their amendments to the cloakroom on the Republican side, and if the minority leader chooses to do so I would welcome any such list from him.

I think it is essential that we pass this bill, Mr. President, and get it to conference as soon as possible. I am advised by both managers that in order to do that we must finish the bill on the floor sometime during the day on Tuesday.

Mr. President, I have no further need for my time at this point. There are two special orders. I see the distinguished junior Senator from Wisconsin is present, but while we ascertain the order of business for today I will in a moment suggest the absence of a quorum. In the meantime, let me point out that there are two special orders today and that after the execution of the special orders there will be a time for the transaction of routine morning business until 11. At 11, as previously ordered, the Senate will resume consideration of S. 2723, at which time the Byrd amendment, which is numbered 3204, will be the pending question.

Now, Mr. President, the time for the two leaders is reserved. I yield the floor so that the Chair may continue with the order of business.

RECOGNITION OF SENATOR KASTEN

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. KASTEN] is recognized for not to exceed 15 minutes.

BUREAUCRATIC MAZE OF GREAT LAKES MANAGEMENT

Mr. KASTEN. Mr. President, among the biggest obstacles to cleaning up the Great Lakes is cutting through the bureaucratic maze of agencies responsible for lakes management.

While the Great Lakes are one of the most spectacular of our Nation's natural resources, there is no group with a systemwide perspective on the Great Lakes. Instead, a variety of State and Federal agencies have a piecemeal approach to lakes management.

Eight States border the Great Lakes. Those States—Wisconsin, Minnesota, Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New York—all have State agencies responsible for lakes management. In addition, there are over a dozen Federal groups with responsibilities for the Great Lakes.

Unfortunately, these groups do not coordinate their efforts on data collection or management. In fact, the various agencies often do not know what other groups are doing. This has resulted in wasted financial resources and the deterioration of this tremendous natural resource.

In data collection alone, this bureaucratic maze has resulted in several problems. First, there are great gaping holes in research on the Great Lakes. In other cases, there is often duplication of research on a given issue. Finally, separate groups may collect data that is reported or collected in such a form that it cannot be compared. These three basic problems have prevented the development of a good basic data base on the conditions of the Great Lakes.

The "Save the Lakes Act," S. 2751, will correct these problems. It will provide for a coordinated data collection and reporting. In addition, it will provide for a comprehensive management program of the Great Lakes.

Mr. President, in 1982 the Comptroller General issued a report to Congress identifying the need for coordinated efforts to manage the Great Lakes. I ask unanimous consent that a portion of the report entitled "A More Comprehensive Approach Is Needed To Clean Up the Great Lakes" be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

A MORE COMPREHENSIVE APPROACH IS NEEDED TO CLEAN UP THE GREAT LAKES

Despite spending millions of dollars on water pollution control, the United States is finding it difficult to meet the comprehensive objectives of its Great Lakes Water Quality Agreement with Canada. Although the lakes are cleaner, the United States is not fully meeting its agreement commitments.

GAO is recommending that the Congress and the Environmental Protection agency Administrator take steps to improve U.S. efforts to clean up the Great Lakes and meet water quality agreement commitments.

DIGEST

The United States and Canada have an agreement to develop and implement programs and other measures to protect the water quality of the Great Lakes. The Great Lakes Water Quality Agreement has comprehensive objectives to improve Great Lakes water quality and requires a substantial U.S. commitment. GAO found that, although the lakes are cleaner, the United States is finding it difficult to meet agreement commitments and that to do so will require greater focus and direction of existing efforts.

U.S. efforts have been hampered by the (1) lack of effective overall strategies for dealing with Great Lakes water quality problems, (2) lack of knowledge about the extent of pollution problems and the impact of control programs, and (3) need for improved management of Great Lakes pollution cleanup activities.

GAO made this review to determine if the United States is meeting the objectives of the Great Lakes Water Quality Agreement because (1) a 1975 GAO report showed the United States needed to make a greater commitment to support water quality agreement objectives and (2) the new 1978 agreement is very comprehensive and requires a substantial United States commitment.

In the United States, both Federal and State agencies are responsible for Great Lakes cleanup efforts. The Department of State and the Environmental Protection Agency (EPA) are the two Federal agencies most involved with the water quality agreement. GAO's review was necessarily confined to U.S. Great Lakes water quality efforts. Canadian efforts referred to herein are based on reports published primarily by the International Joint Commission—the permanent U.S.-Canadian body responsible for advising both Governments on Great Lakes water pollution matters.

Municipal Pollution Sources

The agreement goal of December 31, 1982, for adequate treatment of all municipal sewage discharges to the lakes will not be met. For example, 31 percent of the municipal dischargers on Lake Erie and 32 percent of those on Lake Ontario will not be under control until sometime after 1982. Furthermore, according to the International Joint Commission, only 64 percent of the sewered population in the U.S. portion of the Great Lakes Basin was receiving adequate treatment, compared with 99 percent of the Canadian sewered population. Reasons cited for not meeting the agreement goal include unrealistic timetables for constructing facilities, problems in obtaining and using Federal grant funds, and lack of municipal officials' support for construction activities. Budget reductions also could set back the already extended dates for completing municipal projects in the Great Lakes Basin.

Discharges from combined sewers (sewers that carry municipal wastewater along with storm runoff) continue to be a major source of pollution to the lakes, but little funding has been directed to controlling these discharges. Of 51 specific problem areas on the Great Lakes, 20 had serious combined sewer overflows. Structural solutions to controlling combined sewer problems are costly—$8 billion according to one EPA estimate. But unless combined sewer overflows are controlled, existing municipal sewage treatment programs will not be fully effective.

Phosphorus Control

Phosphorus contamination—a prime factor in lake eutrophication (aging)—is a major problem facing the Great Lakes, particularly Lakes Erie and Ontario. Phosphorus inputs to the lakes from municipal treatment plants are being reduced. However, about 41 major U.S. treatment plants may not meet the agreement's phosphorus limitations because of plant equipment availability problems and/or operational difficulties.

Efforts to control phosphorus pollution from other sources, such as high-phosphate household detergents, have been controversial. Research to resolve uncertainty about the nature and extent of overall phosphorus controls may not be undertaken because a coordinated Great Lakes research program does not exist.

Toxic Pollution

The U.S.-Canadian agreement recognized the extent of toxic pollution of the lakes and required the two Governments to meet specific toxic control objectives. However, the problem has yet to be addressed comprehensively. Information is lacking about the nature, extent, and source of toxic pollution, and the activities necessary to provide the information have been limited. Also, U.S. toxic control programs are very new and their effectiveness is not known.

Nonpoint Pollution Sources

In some areas, nonpoint (diffused) sources, such as agricultural, forestry, and urban runoff, deposit the major portion of pollutants entering the lakes. However, State and areawide plans to address nonpoint pollution problems have not been comprehensive and may not be completed. Federal funding for new planning has been cut off. Projects to control nonpoint pollution have not been extensive, and implementation of control mechanisms developed are site specific.

Without more attention to nonpoint sources and a coordinated strategy and plan for dealing with them, the Great Lakes water quality objectives may not be achieved even if all other sources of pollution are completely controlled or eliminated.

Water Quality Monitoring

Accurate, reliable data describing existing water quality conditions and trends, how pollution occurs, and the effect of eliminating sources of pollution is essential to control efforts. But current water quality monitoring is not providing the data needed to address questions about toxic, nonpoint, and phosphorus pollution problems.

Specific U.S. monitoring efforts have been hampered by a lack of funds. In addition, the International Joint Commission has yet to endorse the Great Lakes International Surveillance Plan, advocated by the agreement as the basic model for monitoring activities in the Great Lakes Basin. The Commission is not sure whether the plan is effective and can be implemented.

EPA's Responsibilities

EPA has broad responsibilities for carrying out programs and activities to implement agreement objectives and coordinating the Great Lakes activities of many Federal and State agencies. EPA's Great Lakes National Program Office has been frustrated in its efforts to ensure that U.S. agreement commitments are met because it does not have the visibility, authority, or resources needed to meet its responsibilities.

Recommendations to the Congress

GAO recommends that the Congress, in consultation with the Secretary of State and the Administrator, EPA, determine whether (1) the Great Lakes Water Quality Agreement objectives and commitments are overly ambitious and (2) sufficient funding to meet agreement objectives and commitments can be provided, given current economic and budgetary conditions. GAO also recommends that the Congress pass legislation currently pending to establish a Great Lakes research office in the National Oceanic and Atmospheric Administration to coordinate and carry out needed research activities.

Mr. PROXMIRE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. KASTEN]. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

WHY DOES NUCLEAR PROLIFERATION POSE THE MOST SERIOUS THREAT OF NUCLEAR WAR

Mr. PROXMIRE. Mr. President, nuclear war will not come from a deliberate, premeditated, unprovoked attack by the Soviet Union. We have been devoting most of the billions of dollars we pour into our nuclear arsenal to deter such an attack. But we have virtually ignored a far more likely source of nuclear war. Such a war probably will not come from an accident, a mistake by one of the two nuclear superpowers reacting with a nuclear counterattack to a false warning. Both superpowers have built elaborate and highly efficient, failsafe measures to prevent such an accident. Both have steadily improved command and control. No matter how strained and hostile the relations between this country and the Soviet Union may become, an awareness on both sides of the utter catastrophe for each of a nuclear exchange will bring prompt communications between the two chiefs of state if there is any threat of a nuclear clash.

Does this mean that the prospect of nuclear war is remote? Unfortunately, the answer is an emphatic and certain "No." The grim and terrible fact is

that the world will—not possibly or probably, but certainly—suffer a nuclear war within the next 20 years unless we stop the spread of nuclear arms now. Why is the prospect of nuclear war certain if the two nuclear superpowers will not initiate it? After all, do not Russia and the United States have far more nuclear power than all the other nations in the world combined? Of course, we do. But what keeps the peace between these two nations, both armed to the teeth with nuclear weapons that become less vulnerable, more unstoppable and more surely and totally devastating with each passing month? The answer is the absolute assurance that neither country could emerge as an organized society from a nuclear war between the two.

Now, on the other hand, what will keep a nuclear-armed Iran from devastating Iraq, or a nuclear-armed Libya, led by Qadhafi, from using its nuclear arsenal to destroy any nonnuclear power it chooses to pick on? By 16 short years from now, any one of the 25 new nuclear powers, which our military intelligence predicts will be in existence then, could strike at anytime, anywhere.

But would such a war, not involving the United States or the Soviet Union, become a disaster for America? The answer is, yes, absolutely, yes. How could it hit us? In three ways. First, any one of the small nuclear powers could direct a terrorist to deploy a nuclear device within one-half mile or so of the Capitol and fire it when the President of the United States was delivering his State of the Union Address. That one act would totally decapitate our Government. The President, the Vice President, the entire Cabinet, the Supreme Court, the Joint Chief of Staff, the top military officers of our Government, the Diplomatic Corps, and the full Senate and House attend the President's address. When the nuclear device is fired, the Capitol would disappear and with it all of our top Government officials. Who would be left to retaliate? And how would any new Government know where to strike? With proliferation, the nuclear devices could come from any of a number of sources.

Second, a number of distinguished international scientists have recently found that even a relatively small nuclear war could trigger a worldwide nuclear winter. The soot and smoke from burning cities could shut out the Sun throughout the world for weeks and reduce the temperature throughout most of the Earth to far below 0 °F., even in the summer. Plants and animals would die. Much of mankind, including many Americans, would perish from famine.

Third, a nuclear war erupting among smaller countries could spread quickly and unpredictably. Any intervention or even prospective intervention by a superpower could bring a nuclear attack on that superpower. As Churchill said of the danger of nuclear war, "We can't account for a madman armed with nuclear weapons in his bunker on the last day of the war."

Mr. President, the time has come for this country to get serious about stopping nuclear proliferation. This country has been reliably reported to have sold heavy water—essential for nuclear weapons production and useless for any other purpose—to Argentina, nuclear materials with inadequate safeguards to India and to other countries. Our President has just negotiated the transfer of a peaceful nuclear technology to the biggest Communist country in the world, China, and with pathetically inadequate safeguards against China's converting or selling the processed plutonium byproduct for military purposes.

Why do we do this, Mr. President? There is no gain to this country—not more favorable trade, not more jobs, not more profits that can begin to justify the careless risks we continue to take in proliferating nuclear weapons. We must end this cavalier spread of nuclear weapons on our part. But that is not enough. We must use every bit of diplomatic and economic power we have to persuade other countries—including the French, the Swiss, the West Germans, the Chinese, and others—from proliferating nuclear weapons. It is no exaggeration to say that the survival of this country and possibly mankind itself is at stake.

D-DAY AND THE JEWISH HOLOCAUST REMEMBERED

Mr. PROXMIRE. Mr. President, we are reminded this month of our participation in the greatest military assault in the history of mankind—the allied invasion of Normandy known as D-day.

On June 6, 1944, over 200,000 allied personnel, 130,000 of whom were Americans, landed on the beaches of northern France. Through the collective effort of American, British, Canadian, and French forces, the beginning of the end of Hitler's attempt to establish his Thousand Year Reich was initiated.

As thousands of veterans from the armies that fought World War II flood back into France for their 40th anniversary of Operation Overlord, there have been plenty of nostalgic encounters. Americans who took part in the battle for Normandy have been reunited with French families they helped liberate.

What we are seeing this month is no casual glance at the past, for the sacrifice on that day was anything but casual. The legend of D-day has drawn the United States into a fascinated look back to June 1944.

Why do so many people look to D-day in search of inspiration for the present? The answer is obvious; it offers a lesson in keeping the peace.

But D-day also shows what had to be done to stop a madman like Adolph Hitler, who was able to rise to power and transgress the international norms of decency.

D-day also marked the beginning of the end of another tragic event, the systematic extermination of Jews and Gypsies by the Nazis.

The United States should once again join other nations of this world in the collective effort to eradicate the crime of genocide.

President Reagan and seven other heads of states dedicated a monument to the Americans who fought on D-day. Its inscription reads:

> This Monument erected by the United States of America in humble tribute to its sons who lost their lives in the liberation of these beaches on June 6, 1944.

But as Abraham Lincoln once said of a different battlefield:

> . . . In a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. . . . It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.

Nowhere, Mr. President, do these words ring more true than to the unfinished business of ratifying the Genocide Convention.

It is the duty of this Nation today to ensure that the brave men who died on the beaches of Normandy did not die in vain.

It is the duty of this Nation to ensure that the murder of 6 million innocent civilians is never forgotten—and never repeated.

And it is the duty of the Senate to provide the leadership to make sure genocide never happens. The Senate should display the same spirit and courage that the men on the beaches of Normandy displayed 40 years ago.

The Senate should act now, and ratify the Genocide Treaty.

I yield back the remainder of my time and yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

INITIATIVE SOVIET STYLE

Mr. GOLDWATER. Mr. President, yesterday during the course of debate I discussed the changes that are taking place in the Soviet military,

natural and normal changes that are also taking place in the military forces around the world, and because they are natural and normal it is very easy for not only ourselves but for everyone to overlook the changes and what these changes might mean.

I called the attention of the Senate to the fact that the old Russian commanders, the generals, et cetera, were dying, or retiring, and coming up in their places are younger men, far better educated in an academic sense than were the older people, better trained militarily, although probably without any better native instinct for fighting than the Russian older generals had.

Mr. President, I think we have to keep aware of this because while in a way this is a welcome change it can also bring some dangers. History will show us that when this similar thing has taken place before, particularly in countries where they have developed a strong military system such as Russia has, the young people on their way up through the ranks and through the positions of high command have had a tendency to say at some time: "We have all of this power. Why don't we use it?"

That forms a danger in that they might someday be tempted to try a war where the Russians historically have stayed away from war. Strangely the wars that we have fought we have found the Russians to be our allies and the wars they have fought we have found ourselves as they allies.

The danger I refer to is that of the younger people, when they become a little bit older, and in command of military forces, might be tempted, as I say, to use this power. I do not think this is going to happen. I hope it does not happen because the whole history of the Soviet Union and Russia has been not to fight a war unless their own heartland or homeland were threatened and we have seen them fight to the death to protect the land that lies within the boundaries of Russia, and I think they would do it again.

What effect does all of this have on us? I think during the course of this debate we have heard a little bit, not enough, about the training of our own men, the enlisted men and the officers. I personally feel that there has never been a time in the history of our military forces where we have had as well trained officers and enlisted men as we have, when we realize that our enlisted men are now mostly class IV, or high school graduates, when we look at the growing long list of college graduates who are officers, officers with more than just their basic degrees, I think we will realize how fortunate this country is in having the leadership that we have, but we cannot let this just rest.

I happen to be chairman of the Board of Visitors of the Air Force Academy and it has been a great, thrilling experience for me down through the 28 years of that school's existence to watch the quality grow, the strength grow, and the dedication grow among these young people.

Mr. President, I have often said that the quality of our men—and now I have to include women because we do have women within our fighting forces—the quality of these people is the one great advantage that the United States has and has always had throughout the history of the times when we have been forced to go into conflict.

Our people have initiative. You can say what you like about the Americans. You can call some of them uneducated. Call some of them dumb. Call some of them lazy. But I have never seen an American who did not have initiative. And how important is that to the subject I am addressing myself to?

It is important in that an American does not require constant leadership unlike in the armed forces of Russia and the armed forces of other countries, not completely. For example, the same type of initiative we find in England, we find to a large extent in the Greman forces, and other countries of the world. But an American always has the ability to take that one more step forward. An American can repair his own rifle. He can keep his vehicle running. He can make his own repairs on aircraft. The naval person down to the lowest seaman knows what to do when something is not going right. This is not true across the board in other countries in military institutions of this world.

I have just read a very interesting article on this subject and I think it would be apropos to put it in the RECORD, particularly at this time when we are debating the Department of Defense budget.

Mr. President, this article appeared in the "Military Review," which is the professional journal of the United States Army. It is entitled "Initiative Soviet Style," written by Maj. Richard Armstrong, of the U.S. Army.

I think it is so interesting when applied to the thinking that we have to constantly do relative to our forces, what we can do to keep them good, what we can do to make them better, if we have to, that I ask unanimous consent to have this article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INITIATIVE SOVIET STYLE

(By Maj. Richard N. Armstrong, U.S. Army)

Men in battle still remain the ultimate consideration in modern warfare. Despite the ever-increasing technical sophistication and lethality in the weapons of war, man continues to determine when, where and how to apply these weapons, and it is man that moves forward in the face of battle. Nonetheless, men in battle have had to adjust to the impact of technical advances on the modern battlefield. The increased range of destruction by weapons necessitates ever-widening deployments in the forces for battle. The mechanization of armies has increased speed, maneuver and the spatial dimensions of tactical operations. This increased dispersal and mobility of battle formations has required greater dependence upon the individual attribute of initiative in military leadership.

Assessments of a military system's leadership and the characterization of its initiative become very important. In this regard, Western armies have identified to a Western satisfaction the qualities and inadequacies in what they think of as leadership and initiative. But Soviet concepts do not match these conclusions and, therefore, cannot be judged by the same criteria.

The Soviet military system is believed to be based upon a harsh, rigid discipline which produces soldiers who are relatively efficient in the use of their weapons but are unimaginative, hidebound and inflexible in their fighting ability. With this belief comes the stereotype of a Soviet tactical leadership whose ability to perform only routine tasks efficiently is vulnerable to counteraction by more imaginative and agile-thinking individuals of Western democratic societies. This supposed inability has become the taproot assumption for a Soviet command structure that is tactically inflexible when faced with a changing situation. According to Western analysts, concentration on rote battle drill tactics compensates for missing initiative.

This assumption of Soviet initiative creates many of the apparent ambiguities exhibited by Soviet tactical doctrine. These ambiguities exist as a result of the failure of Western observers to objectively understand the various elements of Soviet tactical doctrine and pedagogy. This qualification is not to say that the Soviet system has identified the only correct methodology, but it must be considered within the context of the overall Soviet military system.

The Soviet perception of initiative influences their beliefs concerning what traits can be taught, the structure of training methods and the expectations of results from that training. By examining these beliefs, one can understand with greater clarity how the Soviets prepare and apply tactical doctrine based on a diametrically opposed concept of initiative.

First, it is necessary to determine what the Soviets mean by initiative. Second, we must seek to reconcile the paradoxes that arise in examples that seemingly demonstrate the Soviet lack of initiative to Western observers: the use of operational norms and the conduct of rote battle drills.

The oversimplified and inconsistent myth of the Soviet soldier's performance on the battlefield has been largely inherited from World War II. This notion of poor leadership and tactical inflexibility in the Soviet military establishment has been strongly influenced by many German accounts of Soviet operations on the Eastern Front. With a partial view of history, current popular understanding for the German military defeat on the Eastern Front is a historical version largely based on the writings of the surviving German generals.

These German military leaders believe their defeat was caused by severe weather

during the invasion into Russia, Adolf Hitler's no-withdrawal edict and the Soviet use of "vast hordes" during the retreat to Berlin. German observations stressed a particular lack of initiative in Soviet leadership evidenced by an inflexibility in its methods: senselessly repetitive attacks, rigidity of artillery fire and selection of lines of attack and movement without regard to terrain. There is little willingness in German accounts to ascribe military prowess to Soviet leadership for their victory.

This German assessment of Soviet performance must be viewed with skepticism. Even the German generals have acknowledged that the top Soviet leadership did not demonstrate a lack of initiative or flexibility during the last years of the war. The German blitzkrieg caught the Soviet army in the aftermath of Joseph Stalin's purges. Stalin's systematic destruction of the Soviet High Command between 1937 and 1939 had a fateful influence on the Soviet army of 1941. Three of five marshals of the Soviet Union, all 11 deputy commissars of defense, 13 of 15 army commanders, 57 of 85 corps commanders, 110 of 195 division commanders and all of the military district commanders of May 1937 were shot or disappeared without trace during this period. In total, some 35,000 officers were either dismissed, imprisoned or executed during those two terrifying years.

In addition, the Red army was in the throes of restructuring and re-equipping its forces. The reorganization was a process of reform that required two to three years to complete. Despite an estimated Soviet tank strength of 20,000 in June 1941, some 60 percent were undergoing repair or servicing when the Germans invaded. By the end of 1941, Soviet leadership and tactical units were nearly expended to thwart the invasion. Soviet tactics were born of desperation. Red army survival depended upon correcting deficiencies in combat experience on the part of many tactical handling of formations. In a directive from the Soviet General Staff, a review process was established that:

Chose the most capable officer in each field army to study and summarize war experience.

Established systematic information collection, analysis and publication of war experience for the indoctrination of troops in reserve and second-echelon units.

Ultimately resulted in *Stavka* (general headquarters staff) orders being issued as precise direction for the conduct of battle.

With tremendous sacrifice and growing skill gained through costly experience, the Soviet army took the strategic initiative during the winter of 1942-43. By 1944, the Soviet advance on Berlin was limited primarily by logistical not tactical considerations. Few German generals wrote about this latter period of the war. However, the general officers who wrote of 1941-42 have been offset by other survivors who did not write their memoirs after the war—the staff officers who put together the operational estimates and summaries.

As a general conclusion in the summaries from 1944-45, the Soviets were capable of fighting and did fight in accordance with the theoretical principles as expressed in their official tactical manuals and directives. The German operational summaries called attention to the increasing flexibility of Soviet commanders in the conduct of breakthrough operations. The coordinated use of tanks, artillery and air units—that is, the use of combined arms—replaced the exclusive commitment of massed infantry.

The credibility of the German critiques is further damaged by some German commanders' comments on the "Russian knack for improvisation." This improvisation ranged from making engines run with virtually no tools to quickly grasping the superiority of certain combat methods and overcoming the greatest weather and terrain difficulties. It is hard to reconcile an inflexible and unimaginative character with an ability to improvise. Rectifying the distortion lies in not judging the enemy in stereotype. S.L.A. Marshall, a noted combat historian, observed that "improvisation is the essence of initiative in all combat just as initiative is the outward showing of the power of decision."

US Army Field Manual 100-5, Operations, describes initiative as a subordinate's independent act within the context of an overall plan. Commanders are expected to deviate from the expected course of battle without hesitation when opportunities arise. The Soviets, too, recognize that dynamic maneuver, rapid deployment and sharp changes in situations will place great demands on commanders in modern combat. Their writings continually stress the need for initiative and creativity at the lower levels of command as well as at higher echelons. The initiative of a commander is officially defined as:

(1) A creative, informal solution by a subordinate commander (commanding officer) during an operation (or battle), which is part of a mission assigned to him, and the readiness to take a calculated risk in connection with such a solution. The initiative of a commanding officer (commander) consists in striving to find the best method of fulfilling the assigned mission, in utilizing favorable opportunities, and in taking the most expedient measures promptly, without awaiting orders from one's immediate superior.

(2) The ability to impose one's will on the enemy in the course of an operation (or battle).

This Soviet concept of inititative on the battlefield is more narrowly defined and structured when compared to a Western perception. In other Soviet writings, some aspects of the definition are expanded for emphasis, such as "in taking daring decisions and firmly carrying them into effect without waiting for instructions." Or, initiative is the opposite of inertia, indifference and an uncaring attitude toward the job. Initiative is the ability of a leader to include creativity in the performance of his duty, and this requires a readiness to take a risk, bear the responsibility for consequences and experience great stress. Creativity—for our purposes—may be defined as the development of uncommon or unusual but appropriate responses to situations. Initiative and creativity are inseparably linked.

Soviet military writers provide examples of the desired initiative from past experiences. In 1944, for example, a battalion commander detected the enemy withdrawing from the defensive trenches. Although there was still 30 minutes left until the end of the artillery barrage, the commander sent his men into the assault and reported his decision to the regimental commander. When the army commander learned of the decision, he immediately ordered the fire to be lifted and all of the first-echelon divisions to attack.

Since all armies preparing for modern combat acknowledge the need for quick, innovative decisions at all levels of command, we must look at where the Western and Soviet concepts of initiative differ. The difference lies in the means of creating a leadership with the requisite qualities. While Western armies wait to promote leaders who demonstrate initiative, the Soviets believe that the individual leader can be taught initiative.

This divergence in the perception of the limits to teaching a quality like initiative springs from a fundamental difference within contemporary psychology about the roles of conscious and unconscious mental activities. In the West, Freudian and other influences have promoted a view of the conscious realm of the mind as subordinate to the unconscious. The unconscious is perceived as the principal determinant of behavior. Mental activities are difficult to evaluate by means of empirical tests and testable predictions. Intelligence, mental abilities and talents are generally perceived as traits with limits that are largely inherited, and intellectual functions such as creativity and initiative are included among these innate qualities. It follows that initiative and creativity cannot be taught.

On the other hand, Soviet psychology, "without denying the role of the unconscious in human mental activity, considers the conscious as the leading determining factor" in the human mind. Soviet psychologists agree that Ivan P. Pavlov demonstrated the relation of consciousness to nervous activities of certain areas in the cerebrum. Pavlov's work in conditioned reflexes established the physiological nature to the accumulation of knowledge and the formulation of skills and abilities.

If the individual differences in the neurophysiological prerequisites for creative activity vary within certain, often comparatively small limits, then the type of thinking and its creative "mechanism" are formed as a whole by training and education, by the structure of labor activity, and by the specific historical conditions characteristic for the period, class, or social group.

Thus, the psychological premise underlying Soviet military training is to ensure that:

". . . the structure of thought always corresponds to the structure of reality, the process of training and education must include conditions which help to form creative thinking."

For the Marxist state, man is shaped through education and the influence of his environment. Initiative and creativity can be developed in the individual.

The physiological conception of learning provides the scientific basis for Soviet military education which relies on the data and conclusions of general and military psychology for working out the process of instilling in soldiers skills, abilities and habits. Without understanding the role of the environmental perspective in the Soviet military education system, observers would perceive a basic contradiction in the Soviet command—doctrine which continues to ask for initiative and creativity but permits independent decisions only within the seemingly narrow confines of precise, detailed plans and orders.

In demonstrating initiative under combat conditions, the Soviet leader's thoughts:

". . . should provide a rapid transition from the reflective-cognitive stage of mental activity (elucidating the mission and judging the situation) to a constructive-creative one (decision-making, the aim and plan of action in the battle or operation)."

This is nothing more than considering his various courses of action in U.S. military parlance.

Creativity involves synthesis—the ability to make connections that order observations or ideas in meaningful ways. Developing this synthesis, or "creative mechanism," in Soviet jargon requires a training environment structured to provide the proper conditions to form such a mental process that lends itself to military application, and this must be combined with sufficient breadth of education. Breadth of education makes it possible to successfully use ideas from related areas of knowledge and to apply that knowledge effectively in varying situations.

Herein lies the importance of military history and past combat and exercise experiences in the development of Soviet tactical doctrine. Quantitative studies and lessons learned of past military experiences provide the basis for the structured training and for the application of derived tactical doctrine to battlefield situations. An important aid in this process is the establishment of operational norms that serve as touchstones for decisionmaking.

In US Army literature, norms are seen as mathematical prescriptions for proper action. These quantified standards are used to determine the allocation of weapon systems, march intervals, frontages, rates of march and a multitude of other tasks. They are based on historical analyses of exercises and wars and on the results of predictive gaming models. The usage of norms can be distinguished from that of Western nations not only by the pervasive permeation of training literature and procedures but also by a greater systematic, empirical use of past experiences in developing numerical standards for virtually every aspect of planning and operations. The Army's Soviet Army Operations handbook exemplifies the Western interpretation of this heavy use of norms as summed up in the following quote:

"Primarily, there is no provision for the unexpected. When initiative is seen in terms of finding a correct solution within normative patterns, a sudden lack of norms may place a commander, at whatever level, in an unexpected and perilous situation."

A study of human judgments under uncertainty has shown that people rely on a limited number of assumptions which reduce the complex tasks of assessing chances and conclusions to simpler judgmental operations. In general, these assumptions are quite useful, but sometimes they lead to severe and systematic error. The study reveals that, in many situations, people make estimates by starting from an initial value that is adjusted to yield a final answer. The initial value, or starting point, may be implied by the formulation of the problem, or it may be the result of a partial computation. In either case, adjustments are typically insufficient. That is, different starting points yield different estimates which are biased toward the initial values. This phenomenon is called "anchoring."

Anchoring was demonstrated by asking a group of students to estimate the percentage of people in the United States who are age 55 or older. The students were given initial values—that is, starting percentages—that were selected randomly. Then, they were told to adjust these arbitrary starting points until they reached their best estimate of the correct percentage. Those students whose initial value was too high ended with higher estimates than those who started with an estimate that was too low and vice versa. The students consistently made insufficient adjustments from their initial values. The conclusion of the study was that a better understanding of the speculative formulations or biases could improve judgment and decisions in situations of uncertainty.

Tactical commanders must deal with dynamic situations that will create a large measure of uncertainty, and they must continually review their estimates in response to changes in the situation or receipt of additional information. Ideally, there should be a direct correlation between changes in the situation and the revision of the initial estimate. The implications of the human judgment study suggest that we cannot expect commanders to change their judgments enough. Once their estimates are made, their thinking becomes anchored and moves along a narrow spectrum from that point.

The Soviets intend for learned norms to anchor the tactical leader's judgment on the probable optimum solution in lieu of some arbitary starting point. With the fluidity and confusion that will certainly exist on the future battlefield, the combat leader cannot rely upon being able to make immediate correlations between rapid changes in the situation and his prior estimate of the course of battle. Norms serve as a means to simplify the commander's ability for evaluating the effectiveness of their operations by reducing complex information to a manageable form. Norms are constantly reviewed and modified in the light of improved technology and evolving doctrine, thus keeping the Soviet leadership current and achieving a high degree of uniformity in performance.

To the Soviets, initiative is not an innate quality in the combat leader. It is developed through a process of combat studies. Initiative is not an untutored individual response based on some individual notion founded in "native wit." It is, rather, recognizing the relationship of situational factors to studied norms and making decisions that will solve the problem or accomplish the tactical mission. Soviet Major General P. Kunitski has written that "initiative has nothing in common with superficiality recklessness, or dare-devil stuff." Such distrust of the adequacy of native wit is not completely foreign to Western military thought. While professing the innateness and importance of imagination and initiative, Marshall cautions that:

". . . initiative is a desirable characteristic in a soldier only when its effect is concentric rather than eccentric: the rifleman who plunges ahead and seizes a point of high ground which common sense says cannot be held can bring greater jeopardy to a company than any mere malingerer."

Where does one develop the common sense? The implication here is that some sort of knowledge can be learned that will promote a correct initiative. This is the essence of the Soviet position.

Relying on historical precedent, General V. Merimsky, deputy chief of the Main Administration of Combat Training of the Ground Forces in 1978, described successful combat command in World War II as that which is achieved through a commander's creative approach based upon a:

"Thorough understanding of the nature of modern combat, the role of man and technology in warfare, the knowledge of the requirements of the regulations, the organization and tactics of the probable enemy, the capabilities of friendly troops, their armament and technology, and the methods of controlling the troops."

To cope with the modern battlefield, an officer must no only be well-trained in his specialty but also must develop what the Soviets term,"shtabnaya kulture" or "staff culture." Staff culture is the sum total of knowledge and skills of an officer necessary for staff work. It includes the ability to collect information in a short time, to analyze the situation and to accurately state conclusions from an estimate. In addition, an officer must be able to execute operational-tactical estimates, coordinate and organize forces for combat missions and effectively utilize contemporary technical means of control.

The dilemma portrayed by Soviet observers seems to be that Soviet officers—despite the rapidity of the developing situation, the "fog of war" or the absence of orders—must act only in obedience to orders, regulations and prescribed operational norms. Developing staff culture enables an officer to understand the general situation, appreciate the operational principles governing his forces and those of superior commanders and outwit the enemy.

This appreciation of the overall picture enables the subordinate to make correct military decisions in anticipation of orders that have not been received from higher echelons because of chaos and confusion on the battlefield. Unless the tactical leader does what the senior commander requires and contributes to a successful mission, the Soviet officer's actions are useless. This concept is very similar to the German concept, Auftragstaktik, which holds a subordinate commander responsible for endeavoring at all times to carry out the mission concept of his superior whether he has orders or not.

Like the uniformity and concentric effort achieved within the individual through operational norms and training, concentric efforts of units at the lower echelons, particularly battalion and below, are established and reinforced by the use of battle drills. These drills at the tactical level are well-rehearsed.

Western assessments of the Soviet transition from march orders to combat formations characterized the highly standardized drill as a substitute for initiative. Such a rote battle drill is predictive and vulnerable to the unexpected. These shortcomings may be disadvantageous. However, the appraisals neglect to assess battle drill within the context of Soviet tactical doctrine and ignore the enhancing possibilities of battle drill at the lower echelons.

Drill, as it has evolved in modern warfare, became significant with the growing importance of firepower on the battlefield. This development in the conduct of the battle demanded a greatly heightened degree of control on the battlefield itself: control of movements, control of fire and self-control. Such control led to the innovation of coordinating the use of combined arms to achieve a maximum effect with maneuver and firepower. The refinement of firepower and the speed of modern weapons systems created a demand not only for clear-sighted and quick-witted commanders but also for the integrated structure of hierarchical control and instantaneous, disciplined response.

For the Soviets, all elements in their concept for combat are inseparably connected with the combat formation which is created exclusively for the attainment of the goal of the combat. Colonel A. A. Sidorenko, a well-known Soviet military spokesman, explains:

"Conformity of the combat formation with the concept for combat is achieved by that deployment which assures the concentration of efforts on the main axis, execution of the necessary maneuver, build-up of

efforts in the course of combat, and, in the final account, absolute performance of the assigned combat mission."

A key tenet of Soviet operational art is the tempo of operations. The ability to maintain the momentum of the operation has placed a tremendous demand on the capability of Soviet forces to conduct continuous operations and for the leadership's planning not to delay the continuous tempo of offensive operations. This emphasis on tempo directly impacts on effective troop-control sustainment within the context of spatial operations.The correlation of forces and means with the factor of space leads to ensuring that tactical doctrine works effectively. What is essential to the doctrine is a rapid concentric effort of all of the combat elements. One can begin to appreciate the doctrinal impact of the battle drill for the attack from the march and in the meeting engagement as it pertains to the application of combat power and the quick execution of tactical decisions.

As noted previously, Soviet military psychology and pedagogy strive to conform the training environment to the realities of combat. The rote battle drill significantly adds structure to a protentially stressful and confusing situation. Conclusions in past research by the West on the behavior of men in battle were that effective training could provide a high degree of self-confidence and tend to reduce the intensity of fear reactions once the soldiers began to carry out a plan of action in ways made familiar by their training.

The initial movement of troops into combat under fire is a confusing and chaotic moment. The individual soldier is experiencing an extreme moral-psychological shock from the noise and rapidity of weapons fire, exhaustion and emotional stress. Battle is potentially demoralizing when it differs substantially from the soldier's mental image. This demoralization can have a direct and adverse effect on performance.

Here, again, the battle drill gives the small-unit commander the model or touchstone to begin his activities. Battle drill for the junior leaders inculcates a sense of confidence in that they can state facts and correct errors. It produces self-confidence in the officers and confidence in the officers by the men.

From the application of operational norms and well-rehearsed battle drill, the tactical commander is extremely aware of how well his troops can cope with time-and-space factors. The Soviet commander has some grasp of the effectiveness of his unit in quantitative terms.

The firm awareness of the unit's capabilities in terms of the time-and-space factors serves to cut down on some of the unnecessary planning time and the time to convey the manner of its execution. If one had to devise the scheme of maneuver and the phased actions, to convey this concept to the subordinate leaders, to receive subordinate acknowledgment of the plan and to ensure the orchestration of this activity, it would be much more time-consuming. Consequently, the battle drill at the lower echelons greatly speeds up the decisionmaking and execution process.

At the battalion level, the Soviet commander has less of a staff to assist him in the execution of his mission than in the US battalion. It is a tremendous assistance to the commander to be able to know where his subordinate units are located at any given time during the execution of a tactical maneuver. As much as the burden for the successful execution of the operation rests upon his shoulders, the Soviet commander must be able to immediately contact his subordinate elements to impress his direction and changes of orders in a given situation. This precise knowledge of subordinate positions and abilities allows the commander to affect the battle decisively.

In conjunction with this basic drill, it is the normal Soviet practice to instruct commanders on serveral alternatives which are developed and refined by constant study and practical exercises. Based on the research of past experience, a few such well-learned alternatives will solve most of the battle situations likely to be encountered and, with little difficulty, most officers could make these minor adjustments to accommodate unexpected situations.

This practice of reducing each battlefield situation to a few alternatives is probably very realistic and pragmatic. Realistically, there will simply not be enough time for a small-unit commander to make a completely new plan for every operation on the battlefield. Pragmatically, the pace and destruction of combat on the future battlefield will create a tremendous amount of chaos and confusion.

The commander who can count on a reliable execution of a known scheme of maneuver despite the confusion and combat stress on the part of the soldiers will be able to direct the tactical forces at his disposal faster than the decisionmaking and execution process of an improvising opponent. Soviet military planners believe the advantages of originality are offset by the loss in surprise and time that allows the enemy to prepare or recover. Consequently, for the Soviets, speed and surprise and the resultant shock on the enemy are considered to yield better dividends in the long run than versatility and ingenuity.

Above battalion level, Soviet operations and tactics are not designed for rote battle drill. The regiment is the first level for a combined arms force structure. This flexible force structure allows a much greater degree of initiative for the regimental commander. There is a corresponding increase in flexibility of force structure and latitude for initiative with each higher echelon.

In World War II, German operation staff officers and commanders discovered Soviet army and front commanders to be very flexible and capable. Many of the Soviet army commanders had been army commanders for several years, providing a very experienced and seasoned leadership to these higher commands. A cursory review of Soviet upper echelon operations on the Eastern Front and in Manchuria reveals that the Soviets readily used multiechelon or single-echelon forces depending upon the situation.

The point to be made is that the battle drill at battalion and below is a choice for tactical considerations rather than a substitute for initiative. Since Soviet tactical doctrine is offensive, there can be less tolerance for an initiative by Western standards. While on the offensive, one has the initiative because things are being made to happen, and the course of action is being determined. On the other hand, if one plans to fight a defensive doctrine, then a greater reliance has to be placed on individual initiative to wrest the initiative from the attacker.

Initiative within the limits of the battle drill is that effort which complements the end objective. It could include the use of terrain defiles on the approach march or the identification of a flanking route into the enemy position.

This limit is similar to the tolerance for individual initiative that is wanted from a blocking lineman in football. Based on the offensive play, the lineman does not have a wide range of choice for the opponents to be blocked. The lineman must block a designated opponent at a given point for the play to work. Initiative for the lineman is the selection of techniques that result in a quick block and its decisiveness in taking the opponent out of play. The battle drill for the lower echelon units is the limited technique that must be accomplished quickly and decisively for the tactical play of higher echelons to be successful.

Western appraisal of the use of operational norms and the rote battle drill has been to characterize it as a crutch used to prop up a leader and a tactical system in which the ability to act innovatively has been stifled. Training in the operational norms and well-rehearsed battle drill is viewed as indoctrination in a regimented and inflexible system which a commander must use, and the corollary is that the commander will be at a loss when in a situation for which there is no norm.

US Army doctrine is very comfortable with the Soviets' highly practiced battle drill and echelonment system. This predisposition to stereotype Soviet doctrine and leadership capabilities makes the formulation of US tactical doctrine easier because of the paradigm. We can tailor our doctrine to a well-defined, sharply limited field of possibilities.

But we have a burden to understand Soviet values and methods on Soviet terms, and being judgmental contributes little to real understanding. Initiative in combat is far too complex to lend itself to a simple, stereotype explanation. No army in history fought with absolute initiative and courage in every battle, just as no army was unthinking and cowardly in every battle. Initiative will vary from soldier to soldier, from situation to situation and from time to time. Beware if we expect more from men in battle lest we are surprised as were the Germans of 1945.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. I ask unanimous consent, Mr. President, that the time for morning business may be extended long enough to accommodate the time that the minority leader and I may use to handle the wrap-up, which will not be very long, and that no time limitation apply against the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are a number of things that are cleared for action by unanimous consent on this side which I would like to identify for the minority leader, if I may, to see if he can approve all or any part of these measures.

Mr. President, let me run through them quickly. Calendar Orders 750, 849, 875, 880, 903, 920, 942, 945, 969, 972, 978, 983, 984, 985, 986, 987, and 992 have been cleared for action of one character or another on this side.

Mr. BYRD. Mr. President, from my side of the aisle, I have no objection to proceeding as the distinguished majority leader has outlined.

Mr. BAKER. Mr. President, I thank the minority leader.

RESCHEDULING OF METHAQUALONE

The bill (H.R. 4201) to provide for the rescheduling of methaqualone into schedule I of the Controlled Substances Act, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CORPORATION FOR PUBLIC BROADCASTING

The Senate proceeded to consider the bill (S. 2436) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes which had been reported from the Committee on Commerce, Science and Transportation with an amendment to strike all after the enacting clause and insert:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking "and" after "1983,"; and

(2) by inserting "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987," immediately after "1984,".

SEC. 2. Section 393(c) of the Communications Act of 1934 (47 U.S.C. 393(c)) is amended by striking the first sentence.

SEC. 3. Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C) is amended—

(1) by striking "and 1986, an amount" and inserting in lieu thereof "1986, 1987, 1988, and 1989, an amount";

(2) by striking "and" after "fiscal year 1985,"; and

(3) by inserting ", $238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989" immediately before the period at the end thereof.

The amendment was agreed to.

Mr. GOLDWATER. Mr. President, S. 2436 would authorize appropriations for the Corporation for Public Broadcasting [CPB] for fiscal years 1987, 1988, and 1989, and for the Public Telecommunications Facilities Program [PTFP] for fiscal years 1985, 1986, and 1987. S. 2436 contains no other substantive amendments to existing law, except one. Section 2 of the bill would delete the requirement that 75 percent of PTFP funds be allocated for areas of the country receiving new service. Although new service is still top priority in the grantmaking process, removing the requirement will give PTFP greater flexibility to replace existing and aging telecommunications "hardware." Thus, S. 2436 is basically a straight appropriations authorization measure.

The funding levels to be authorized for CPB in S. 2436 would be $238 million, $253 million, and $270 million for each of the 3 fiscal years; 1987, 1988, and 1989; for PTFP, $50 million, $53 million, and $56 million for each of the 3 fiscal years, 1985, 1986, and 1987.

I, along with most of my colleagues on the Subcommittee on Communications, introduced the bill, S. 2436, on March 19. On March 26, I chaired the hearings on the bill conducted by my Subcommittee on Communications. And, on April 10, the Committee on Commerce, Science, and Transportation ordered unanimously that S. 2436 be reported favorably with a technical amendment in the nature of a substitute text. Today, this bill enjoys the sponsorship of not only myself but 51 other Senators.

The Corporation for Public Broadcasting [CPB] was authorized to be established as a private, nonprofit corporation by the Congress, acting upon the report and recommendations of the Carnegie Commission on Educational Television, in 1967. It was "* * * created to facilitate the development of public telecommunications and to afford maximum protection from extraneous interference and control." The first finding and declaration by the Congress in the Public Broadcasting Act provides that "* * * it is in the public interest to encourage the growth and development of public radio and television broadcasting, including the use of such media for instructional, educational, and cultural purposes." It is in this context and mindful of the multiple objectives that CPB is authorized to achieve that S. 2436 should be considered and should be acted upon favorably by the Senate.

Unfortunately, notwithstanding this praiseworthy declaration, since 1981, there has been no "growth" and little "development" in public broadcasting. Quite the contrary, there is growing evidence of retrenchment and backsliding as advance funding in the pipeline dries up. In 1981, the authorization level was cut by 40 percent, from $220 to $130 million; the appropriation, by 25 percent, from $172 to $130 million. In fact, there will not be too much "growth" or "development" even at the $238 million level to be authorized for fiscal year 1987. What the $238 million represents is only 20 percent of the public broadcasting system's revenue needs. For the remainder, the system must look to a mix of State and local government support, business grants, and viewer support—in this last category, public broadcasting ranks second only to the United Way in the success of its individual solicitations. Moreover, the $238 million Federal funding level for fiscal year 1987, as well as the levels for fiscal years 1988 and 1989, will enable public broadcasting to do no more than maintain "current services" at the fiscal year 1982 level. In short, the funding levels proposed in S. 2436 are neither excessive, nor are they a panacea for all of the current financial needs of public broadcasting. At best, these levels will arrest the erosion that the earlier, deep cuts inflicted upon the system and will stabilize the system only at the 1982 service level.

Of equal importance is the authorization in S. 2436 for the Public Telecommunications Facilities Program [PTFP]. This program provides grants for telecommunications "hardware." It has made the growth of public television service possible. Unfortunately, this "hardware" is both aging and fast becoming, if not already, obsolescent. As one who has been in the radio business all my life, I can tell my colleagues in the Senate that equipment obsolescence is an on going problem—what you make one afternoon is no good the following morning. I, for one, therefore can truly appreciate the magnitude of the equpment replacement problem currently confronting the public broadcasting system. The deletion of the statutorily mandated 75-percent set-aside for new service, as provided for in S. 2436, should help in addressing this problem.

But, perhaps the most important element of the Federal support that S. 2436 represents is the forward authorization, advance-year appropriation concept for CPB. It is this concept, unique to Federal funding, which has given public broadcasting the opportunity to plan; to grow in a stable environment; and most important to be insulated from potential interference with programming through unexpected reductions in appropriations. And, I might add, it is a concept which has been endorsed by every Congress since it was inititated in 1975 and then reaffirmed, as recently as 1981.

S. 2436, therefore, is a tool or vehicle to sustain the existence of public broadcasting to meet a critical national need. That need is for programs that the commercial marketplace cannot realistically be expected to provide or does not provide—quality programming for everyone, including children, minorities, women, the elderly, the handicapped, and the homebound.

Notable, of curse is CPB's service to children, which is the first priority established by is Board of Directors under the leadership of its current chairman. "Sesame Street," "The Electric Company," "Mr. Rogers," "Reading Rainbow," and "3-2-1 Contact" are but a few examples of such excellent television programs. And, in the field of public affairs, there is "The MacNeil-Lehrer News Hour," "Morning Edition," and "All Things Considered." No such comparable programming is available "ad-free" over the commercial media. No doubt, the premier quality of public broadcasting could be affected very adversely if we, in the Congress, fail to meet our obligation to fund the system adequately. As the new president of the Public Broadcasting Service observed in Phoenix this week, if public TV's revenue sources dry up, then "ultimately, public broadcasting will have to look at advertising as a source of revenue." I, for one, trust this final recourse will not be forced upon this system. We all could be the losers.

Now, in all candor and honesty, I must advise my colleagues that the administration is opposed to the funding levels proposed in S. 2436. But the President, himself, has given a firm commitment to excellence in education, which appears to override this opposition. As the President observed in his State of the Union message:

* * * every family has a personal stake in promoting excellence in education. * * * Excellence must begin in our homes and neighborhood schools, where it is the responsibility of every parent and teacher and the right of every child.

The President continued:

Our children come first. * * * Schools are reporting progress in math and reading skills. But we must do more * * * and we must encourage the teaching of new basics * * *.

Mr. President, public broadcasting is a powerful vehicle for the advancement of balanced quality programming and "excellence in education," both for young people and adults. I urge my colleagues in the Senate to support passage of the bill. S. 2436.

Mr. PACKWOOD. Mr. President, I am pleased to join with Senator GOLDWATER, the sponsor of S. 2436, in bringing this public broadcasting reauthorization bill to the floor.

This bill, in short, reauthorizes operation of the Corporation for Public Broadcasting for fiscal years 1987, 1988, and 1989, and reauthorizes the National Telecommunications and Information Administration's Public Telecommunications Facilities Program for fiscal years 1985, 1986, and 1987.

The funding levels set by S. 2436 are substantially higher than those authorized by Congress in 1981. In 1981, we cut back on Federal support for public broadcasting as part of our overall Federal belt tightening. At the same time, we encouraged altenatives to Federal funding, and allowed public stations to raise money through commercial ventures; 3 years of experience has demonstrated that alternative financing structures are not developed to the point where they can substitute for strong Federal support for public broadcasting. Therefore, while the funding levels set by S. 2436 may appear to be high, these levels are needed.

This bill has a great deal of support. It was reported out of the Commerce Committee by a unanimous vote. Over half the Members of the Senate are cosponsors of the bill. Finally, this bill has wide public support—Americans value the quality programming alternatives made available to them by public broadcasting.

I look forward to speedy passage of S. 2436.

Mr. HOLLINGS. Mr. President, I want to express my strong support for S. 2436, legislation authorizing funds for the public broadcasting system. This bill properly ensures that we will have a strong public broadcasting system for the rest of the decade.

I know many people who are very concerned about the type and variety of information the public receives today from commercial broadcasters. Public broadcasting has clearly demonstrated that it can and does provide an important source of alternative programming for the people of our Nation. It meets needs that have yet to be satisfied and might well never be in the marketplace.

Public broadcasters have done their job well. They are responsive to their communities' needs. They provide important information that both informs and entertains. They deserve our continued support as contained in S. 2436. I urge its passage.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN EDUCATION ACT REAUTHORIZATION OF 1984

The Senate proceeded to consider the bill (S. 2619) to extend programs under the Indian Education Act through fiscal year 1985, which had been reported from the Select Committee on Indian Affairs with amendments as follows:

On page 2, line 13, strike "$7,200,000" and insert "such sums as may be necessary".

On page 2, line 18, strike "$2,300,000" and insert "such sums as may be necessary".

On page 3, line 1, strike "$1,000,000" and insert "such sums as may be necessary".

On page 3, line 12, strike "$3,000,000" and insert "such sums as may be necessary".

On page 3, after line 13, insert:

SEC. 6. Section 303(b) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(b)) is amended to read as follows:

(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments on the basis of entitlements computed under subsection (a) of this section for that fiscal year, for the purpose of enabling the Secretary to provide financial assistance to—

(1) schools on or near reservations, or

(2) schools located in the State of Alaska, which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

SEC. 7. Section 423(a) of the Indian Education Act (20 U.S.C. 3385b(a)) is amended by inserting "psychology," after "medicine," in the second sentence.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Education Act Reauthorization of 1984".

INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT

SEC. 2. Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(1)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1985".

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 3. Section 1005(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3385(g)) is amended to read as follows:

"(g)(1) For the purpose of making grants under the provisions of this section (other than subsection (e), there are hereby authorized to be appropriated such sums as may be necessary for the fiscal year ending September 30, 1985.

"(2) For the purpose of making grants under subsection (e), there are hereby authorized to be appropriated such sums as may be necessary for the fiscal year ending September 30, 1985. The sum of the grants made to State educational agencies under subsection (e) in any fiscal year shall not exceed 15 percent of the sums appropriated for such fiscal year.".

INDIAN EDUCATION ACT

SEC. 4. (a) Section 422(c) of the Indian Education Act (20 U.S.C. 3385a(c)) is amended to read as follows:

"(c) There is authorized to be appropriated such sums as may be necessary for fiscal year 1985 to carry out the provisions of this section.".

(b) Section 423(a) of the Indian Education Act (20 U.S.C. 3385b(a)) and section 442(a) of such Act (20 U.S.C. 1221g(a)) are each amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1985".

ADULT EDUCATION ACT

SEC. 5. Section 316(e) of the Adult Education Act (20 U.S.C. 1211a(e)) is amended to read as follows:

"(e) For the purpose of making grants under this section there are hereby authorized to be appropriated such sums as may be necessary for the fiscal year 1985.".

SEC. 6. Section 303(b) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(b)) is amended to read as follows:

(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments on the basis of entitlements computed under subsection (a) of this section for that fiscal year, for the purpose of enabling the Secretary to provide financial assistance to—

(1) schools on or near reservations, or

(2) schools located in the State of Alaska, which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

SEC. 7. Section 423(a) of the Indian Education Act (20 U.S.C. 3385b(a)) is amended by inserting "psychology," after "medicine," in the second sentence.

The amendments were agreed to.

Mr. ANDREWS. Mr. President, I am very pleased that the Senate is now taking up the reauthorization of the Indian Education Act. I urge my colleagues to join me in supporting this bill, and, by doing so, supporting quality education for Indian people.

I should like to clarify one point in the bill, and that is that the Senate Select Committee on Indian Affairs, which held a hearing on S. 2619 and ordered the bill reported favorably to the floor, does not intend that section 6 authorize funding for any fiscal year beginning before September 30, 1984.

The bill was ordered to be engrossed for a third reading, read the third time, and passed as amended.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WASHINGTON DULLES INTERNATIONAL AIRPORT

The bill (S. 2483) to rename Dulles International Airport in Virginia as the "Washington Dulles International Airport," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the airport constructed under the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia", approved September 7, 1950 (64 Stat. 770), known as the Dulles International Airport, shall hereafter be known and designated as the "Washington Dulles International Airport". Any law, regulation, map, document, record, or other paper of the United States in which such airport is referred to shall be held to refer to such airport as the "Washington Dulles International Airport".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STUDY OF FEDERAL AVIATION ADMINISTRATION RULES AND REGULATIONS

The Senate proceeded to consider the bill (S. 197) to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Secretary of Transportation shall, in the interest of health and safety, and in the interest of promoting and maintaining a superior United States aviation industry, commission an independent study by the National Academy of Sciences. The study shall determine whether civil commercial aviation industry practices and standards and Federal Aviation Administration rules, regulations, and minimum standards are nondiscriminatory and at least in conformance and parity with nonaviation standards, practices, and regulations for the appropriate maintenance of public and occupational health and safety (including de facto circumstances) in relation to airline cabin air quality for all passengers and crew aboard civil commercial aircraft.

(b) In conducting the study, special and objective considerations shall be given to the uniqueness of the environment onboard civil commercial aircraft. The study shall focus on all health and safety aspects of airline cabin air quality, including but not limited to—

(1) the quantity of fresh air per occupant and overall quality of air onboard;

(2) the quantity and quality of humidification;

(3) onboard environmental conditions and contamination limits, including exposure to radiation;

(4) emergency breathing equipment, including toxic fume-protective breathing equipment;

(5) measures, procedures, and capabilities for detecting and extinguishing fires and the removal of smoke and toxic fumes within safe pressurization limits and practices to assure valid medical advice concerning the health effects of air travel;

(6) safe pressurization of the aircraft, considering the broad range of cardiopulmonary health of the traveling public, and dissemination of information to the medical profession and the general public of current pressurization limits and practices to assure valid medical advice concerning the health effects of air travel;

(7) the feasibility of collection and dissemination by the aviation industry, the Federal Aviation Administration, or any other private or governmental organization of a data base of medical statistics and environmental factors relating to air travel, including but not limited to, maintenance and operation records and procedures of aircraft, in an effort to assess the adequacy of aircraft systems, design, regulations, standards and practices relating to airline cabin air quality from the standpoint of health and safety, and for the purpose of issuing Federal Aviation Administration administrative advisory circulars and airworthiness directive regulations to correct any deficiencies disclosed;

(8) the adequacy of current preflight and inflight health and safety instructions for air travelers that relate to airline cabin air quality, including but not limited to, life safety procedures during inflight fire, smoke, and toxic fume emergencies; and

(9) a comparison of foreign industry practices, regulations, and standards.

(c) In conducting the study, special care shall be taken to assure that all existing studies, recommendations, data, and state of the art technology relevant to the health and safety aspects of airline cabin air quality are considered.

(d) In conducting the study, the National Academy of Sciences shall consult with and solicit the views of academic experts, representatives of airline labor, the aviation industry and independent experts and organizations.

(e) The study shall include such recommendations for legislative, regulatory, and industry changes as the National Academy of Sciences determines to be advisable for promotion of health and safety in relation to airline cabin air quality.

SEC. 2. The Secretary of Transportation shall submit a copy of the study, as it was prepared by the National Academy of Sciences, to the Congress within eighteen months after the date of enactment of this Act. At such time the Secretary shall also set forth such comments on the matters covered by the study and such recommendations for legislative, regulatory, and industry changes as the Secretary determines to be necessary.

SEC. 3. There is authorized to be appropriated not to exceed $500,000 for the fiscal year commencing October 1, 1984, to carry out the study authorized by this Act. Such funds shall remain available for obligation until expended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed as amended.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HAZARDOUS MATERIAL TRANSPORTATION ACT AMENDMENTS OF 1984

The bill (S. 2706) to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DANFORTH. Mr. President, today we are considering S. 2706, legislation to reauthorize the hazardous materials transportation programs of the U.S. Department of Transportation [DOT]. The Hazardous Materials Transportation Act of 1974 [HMTA] provides the primary legislative authority for DOT's hazardous materials programs.

DOT is responsible for regulating the safety of hazardous materials transportation in or affecting interstate commerce, including international movements. Under the HMTA, DOT promulgates regulations governing shipper and carrier operations, packaging and container specifications, handling, labeling, and incident reporting. State and local laws are preempted to the extent they are inconsistent with this Federal law.

DOT issues advisory opinions on determinations of consistency and is responsible for the enforcement of the hazardous materials regulations. DOT also is responsible for evaluating risks and establishing a central reporting and data system to facilitate emergency response to hazardous materials transportation incidents.

Hazardous materials transportation is an essential function for the operation of numerous industries in this country, but many potentially serious risks are associated with this type of transportation. It has been estimated that roughly 4 billion tons of hazardous materials are shipped in the United States each year. While this type of transportation is generally safe relative to other types of transportation, a single hazardous materials transportation incident can, nevertheless, have severe and far-reaching consequences.

During the 98th Congress, the Senate Commerce Committee has conducted two hearings on the issue of hazardous materials transportation. At these hearings, concerns have been raised as to the effectiveness of the existing regulations and programs, the need for increased funding for State and local emergency response efforts, the need for increased coordination and information dissemination between the various levels of government, and the need for improved enforcement of the Federal hazardous materials transportation regulations. The efforts of the Hazardous Materials Transportation Coalition to find legislative solutions to address these problems were also noted.

Mr. President, these issues need to be carefully examined. In April 1984, at a hearing conducted by the Commerce Committee's Surface Transportation Subcommittee, I was pleased to learn that DOT is exploring means by which improvements in the current regulatory system can be made. I am anxious to see the outcome of these efforts.

While DOT is undertaking these efforts, it is important that continued funding be authorized for the DOT hazardous materials transportation programs now in place. The bill we are considering today provides an authorization for fiscal years 1985 and 1986 for the Department of Transportation's hazardous materials transportation programs carried out pursuant to the Hazardous Materials Transportation Act of 1974. The bill provides an authorization of $7.5 million for fiscal 1985 and $8 million for fiscal 1986 for these DOT programs.

Mr. President, I urge my colleagues to join me in supporting S. 2706, the "Hazardous Materials Transportation Act Amendments of 1984."

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hazardous Materials Transportation Act Amendments of 1984".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) while the transportation of hazardous materials can create severe hazards to the public safety, such transportation is nonetheless essential to commerce;

(2) in the interest of uniformity, the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) provides for the preemption of State and local governmental regulation of hazardous materials transportation to the extent that it is not consistent with Federal requirements and regulations;

(3) despite this preemption, when serious hazardous materials incidents occur, State and local governments necessarily have the primary responsibility for emergency response;

(4) increased coordination and greater consistency between the Federal Government and State and local governments would assist in the prevention of hazardous materials transportation incidents and in the overall ability of State and local governments to respond to such incidents; and

(5) the National Hazardous Materials Transportation Advisory Committee should specifically and carefully examine problems associated with information dissemination from the Federal Government to State and local officials and the need for increased coordination among the various levels of government.

(b) The purposes of this Act are to—

(1) authorize appropriations for fiscal years 1985 and 1986 for the Department of Transportation to carry out its functions with respect to the transportation of hazardous materials; and

(2) authorize cooperative action between the Secretary of Transportation and established private agencies in performing the Department's emergency response functions.

REAUTHORIZATION OF HAZARDOUS MATERIALS PROGRAMS

SEC. 3. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended—

(1) by striking "and" after "1978,"; and

(2) by inserting immediately before the period at the end thereof the following: ", not to exceed $7,500,000 for the fiscal year ending September 30, 1985, and not to exceed $8,000,000 for fiscal year 1986".

REPORTING SYSTEM AND DATA CENTER

SEC. 4. Section 109(d) of the Hazardous Materials Transportation Act (49 U.S.C. 1808(d)) is amended—

(1) by inserting "(1)" immediately before "The Secretary";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1985

The Senate proceeded to consider the bill (S. 2606) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1985, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Department of Justice Appropriation Authorization Act, Fiscal Year 1985".

SEC. 2. There are authorized to be appropriated for fiscal year 1985, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following sums.

(1) For general administration, including—

(A) the Working Capital Fund,

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration, and

(C) financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all related support activities, not to exceed $10,000,000, and to remain available until expended:

$83,384,000 of which not to exceed $128,000 may be used for the Federal Justice Research program and shall remain available for such purpose until expended.

(2) For the United States Parole Commission for its activities: $8,778,000.

(3) For general legal activities, including—

(A) miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration,

(B) not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General,

(C) advance of public moneys under section 3324 of title 31, United States Code,

(D) not to exceed $98,000 which may be transferred from the "Alien Property Funds, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia, and

(E) the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals: $202,524,000.

(4) For the Antitrust Division for its activities: $47,041,000.

(5) For the Foreign Claims Settlement Commission for its activities: $1,011,000.

(6) For United States attorneys, marshals, and trustees, including the payment of rewards and the purchase of evidence and payments for information: $414,833,000.

(7) For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital and to other appropriate health care providers for the care, diagnosis, and treatment of United States prisoners and persons adjudicated in Federal courts as not guilty by reason of insanity at rates that in the aggregate do not exceed the full cost of the services: $58,240,000.

Amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General. Following agreement on or completion of any federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed operating costs for the period of time specified in the cooperative agreement.

(8) For fees and expenses of witnesses, including—

(A) contracting for expert witnesses according to the procedure similar to that authorized by Section 904 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 544);

(B) expenses incurred for the use of facilities required as command posts in the protection of witnesses, including official phone calls made from command posts; and

(C) planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites: $40,988,000.

(9) For the Community Relations Service for its activities, including assistance provided under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) to individuals who are Cuban and Haitian entrants within the meaning of paragraphs (1) and (2)(A) of section 501(e) of such Act: $34,128,000 of which $27,561,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary to provide assistance under subparagraph (B).

(10) For the Federal Bureau of Investigation for its activities, including—

(A) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, duly authorized officials of the Federal Government, of States, of cities, and of other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies,

(B) payment of rewards,

(C) payment of travel and related expenses for immediate family members of employees, including costs of expenses incurred for specialized training and orientation in connection with a transfer to Puerto Rico, other territories and possessions of the United States, and assignment in a legal attaché post outside the territory of the United States,

(D) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General:

$1,123,963,000 of which not to exceed $23,000,000 may be used for automated data processing and telecommunications, not to exceed $1,000,000 may be used for undercover operations, and shall remain available for such purposes until October 1, 1986, and of which not to exceed $13,000,000 may be used for constructing and equipping new facilities at the Federal Bureau of Investigation Academy, Quantico, Virginia, and not to exceed $10,000,000 may be used for research related to investigative activities, and shall remain available for such purposes until expended. Notwithstanding sections 3302 and 9701 of title 31, United States Code, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes which shall represent the cost of furnishing the service; and not to exceed $13,500,000 of such fees shall be credited to the appropriation for the Federal Bureau of Investigation, to be used for salaries and other expenses incurred to so process such records. No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies, as defined in title 28, Code of Federal Regulations, section 20.3.

(11) For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including—

(A) payment of rewards and purchases of evidence and payment for information,

(B) not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General,

(C) planning, acquisition of sites, and construction of new facilities and construction, operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto and to remain available until expended, subject to the limitations of section 1252(c) of title 8, United States Code, and section 4003 of title 18, United States Code,

(D) research related to immigration enforcement,

(E) contracting with individuals for personal services abroad: Provided, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management,

(F) a uniform purchase allowance not to exceed $400 per annum, in accordance with procedures established by the Attorney General for members of the Border Patrol of the Immigration and Naturalization Service who are required by regulations or statute to wear a prescribed uniform in the performance of official duties,

(G) payment of expenses related to the purchase or lease of privately owned animals for official use and expense related to the maintenance of animals so used (whether donated, leased, hired, or purchased), and

(H) assistance provided under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) to individuals who are Cuban and Haitian entrants within the meaning of paragraphs (1) and (2)(A) of section 501(e) of such Act:

$574,539,000 of which not to exceed $400,000 may be used for research and shall remain available for such purpose until expended, and not to exceed $100,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General.

(12) For the Drug Enforcement Administration for its activities, including—

(A) payment of expenses not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General,

(B) payment of rewards,

(C) payment of travel and related expenses for immediate family members of employees, including expenses incurred for specialized training and orientation in connection with a transfer to Puerto Rico, other territories and possessions of the United States, and assignment in a post outside the territory of the United States.

(D) research related to enforcement and drug control, to remain available until expended,

(E) not less than $13,329,000 for State and local task forces which coordinate the enforcement of drug investigations, primarily heroin trafficking, with selected State and local law enforcement agencies, and

(F) not to exceed $1,700,000 for the purchase of evidence and payment for information (PE/PI), to remain available for expenditure until October 1, 1986:

$300,848,000 of which not to exceed $1,200,000 may be used for research and shall remain available for such purpose until expended.

(13) For the Federal Prison System for its activities, including—

(A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed $200,000 for inmate legal services within the System,

(B) payment of rewards,

(C) assistance provided under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) to individuals who are Cuban and Haitian entrants within the meaning of paragraphs (1) and (2)(A) of section 501(e) of such Act, and

(D) entering into contracts with governmental or private organizations or entities for the safekeeping, care, and subsistence of

persons held under any legal authority: $580,218,000.

(14) For Organized Crime Drug Enforcement for the detection, investigation, prosecution, and incarceration of individuals involved in organized criminal drug trafficking not otherwise provided for: $96,905,000 of which not to exceed $2,559,000 may be used for the Presidential Commission on Organized Crime. Notwithstanding any other provision in law, there is authorized payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative organized criminal drug enforcement and regulatory activities. The Attorney General shall deliver an annual report to the President, the Judiciary Committees and the Appropriations Committees of the Senate and the House of Representatives not later than March 31 of each year, evaluating the results of this program, and any organized crime drug enforcement activities of other offices, divisions and agencies in the Department of Justice.

SEC. 3. Sums authorized to be appropriated by this Act may be used—

(1) under regulations issued by the Secretary of State, for benefits authorized under paragraphs (5), (6), (8), and (9) of section 901 and under section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081(5) et seq.),

(2) for per diem allowances for an employee who serves in a law enforcement capacity and for members of his immediate family and/or transportation expenses in accordance with regulations prescribed under section 5707 of title 5, United States Code, by the Administrator of the General Services Administration or his designee, when necessarily occupying temporary living accommodations at or away from the employee's designated post of duty because of a threat to life or property or because law enforcement or investigative interests may be compromised,

(3) payment of interpreters and translators who are not citizens of the United States, and

(4) for antiterrorism training for dependents of Department of Justice personnel who will be stationed abroad on the same basis as Department of State personnel.

SEC. 4. (a) Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations issued by the Attorney General.

(b) Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5, United States Code.

(c) Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed $65,000, for official reception and representation expenses in accordance with distributions, procedures, and regulations issued by the Attorney General.

SEC. 5. Travel advances issued to special agents of the Department of Justice engaged in undercover activities from sums authorized to be appropriated by this Act shall be deemed to be Government funds within the meaning of section 3527 of title 31, United States Code.

SEC. 6. There are authorized to be appropriated for fiscal year 1985, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

SEC. 7. Notwithstanding the second paragraph relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (Public Law 92-544; 86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used in fiscal year 1985 for the purposes described in such paragraph.

SEC. 8. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration by this Act may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(2) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(3) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on FBI Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, if designated by the Attorney General, a member of such Review Committee), that any action authorized by paragraph (1), (2), (3), or (4) of this subsection is necessary for the conduct of such undercover operation. Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director, the Administrator, or the designee of the Director or of the Administrator determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d)(1) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1985, and—

(A) submit the results of such audit in writing to the Attorney General, and

(B) not later than one hundred and eighty days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(2) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(A) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(B) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(C) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained, with respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on FBI Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(i) the results,

(ii) any civil claims, and

(iii) identification of such sensitive circumstances involved,

that arose at any time during the course of such undercover operation.

(e) For purposes of subsection (d)—

(1) the term "closed" refers to the earliest point in time at which—

(A) all criminal proceedings (other than appeals) are concluded, or

(B) covert activities are concluded, whichever occurs later,

(2) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation and the Drug Enforcement Administration, and

(3) the terms "undercover investigative operation" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(A) in which—

(i) the gross receipts (excluding interest earned) exceed $50,000, or

(ii) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(B) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that subparagraphs (A) and (B) shall not apply with respect to the report required under paragraph (2) of subsection (d).

SEC. 9. (a) Without regard to the provisions of section 3302 of title 31, United States Code, and section 881(e) of title 21, United States Code, the Drug Enforcement Administration is authorized to set aside 25 per centum of the net amount of money realized from the forfeiture of assets seized by it under any provision of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), to be available in amounts as specifed in appropriations Acts for obligations and expenditure only for the purpose of paying awards of compensation with respect to such forfeiture; and to pay, totally within its discretion, such awards to any entity not an agency or instrumentality of the United States, or to any person not an officer or employee of the United States or of any State or local government, that provides information or assistance which leads to a forfeiture referred to in subsection (a). Such awards can be made in any amount up to 25 per centum of the amount realized from the forfeiture, or $150,000 whichever is lesser, in any case, except that no awards shall be made based on the value of the contraband. The authority of the Administrator of the Drug Enforcement Administration to pay an award of $10,000 or more shall not be delegated.

(b) The amounts credited under this section shall be made available for obligations until September 30, 1986.

(c) The remaining 75 per centum of the net amount of money realized from the forfeitures referred to in subsection (a) shall be paid to the miscellaneous receipts of the Treasury: Provided, That the authority furnished by this section shall remain available until September 30, 1986, or upon creation of a Drug Asset Forfeiture Fund in the United States Treasury, whichever is sooner, at which time any amount of the unobligated balances remaining in this account, accumulated before September 30, 1986, shall be paid to the miscellaneous receipts of the Treasury: And provided further, That the Drug Enforcement Administration shall conduct detailed financial audits, semiannually, of the expenditure of funds from this account and—

(1) report the results of each audit, in writing, to the Department of Justice; and

(2) report annually to Congress concerning these audits.

SEC. 10. (a) The Attorney General shall perform—

(1) periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act, and

(2) annual specific program evaluations of selected subordinate organizations' programs,

as determined by the priorities set either by the Congress or the Attorney General.

(b) Subordinate Department of Justice organizations and their officials shall provide all the necessary assistance and cooperation in the conduct of evaluations described in subsection (a), including full access to all information, documentation, and cognizant personnel, as required for such evaluations.

(c) Completed evaluations performed under subsection (a) shall be made available to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and to other appropriate committees.

(d) The Attorney General's annual report on Department of Justice activities shall be made available to the Committees on the Judiciary of the Senate and the House of Representatives, and other appropriate committees, within five months after the end of the fiscal year to which it pertains.

SEC. 11. (a) During the fiscal year ending September 30, 1985, the Attorney General is authorized to accept and utilize, on behalf of the United States, any gift, donation, or bequest of real or personal property for the purpose of aiding or facilitating the work of the Department of Justice. No gift may be accepted—

(1) that attaches conditions inconsistent with applicable laws or regulations, or

(2) that is conditioned upon or will require the expenditure of appropriated funds unless such expenditure has been authorized by Act of Congress. Gifts from foreign governments may be accepted only pursuant to the Foreign Gifts Act, 5 U.S.C. 7342.

(b) The Attorney General shall promulgate rules for accepting gifts pursuant to this provision, to ensure, among other things, that no gifts are accepted under circumstances that will create a conflict of interest for the Department of Justice.

(c) Gifts of property no longer required for the Department of Justice for its needs in the discharge of its responsibilities shall be reported to the Administrator of General Services for disposition in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

(d) Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Attorney General.

(e) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

SEC. 12. Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commissioner of the Immigration and Naturalization Service is authorized during the fiscal year ending September 30, 1985, to accept voluntary and uncompensated services to assist the Service in information services to the public. Persons providing voluntary services shall not be used to displace any Federal employee and shall not be considered Federal employees for any purpose except for the purposes of chapter 81 of title 5, United States Code (relating to compensation for injury), and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

SEC. 13. During the fiscal year ending on September 30, 1985, the Attorney General is authorized to make payments from the Salaries and Expenses, General Legal Activities appropriation of the Department of Justice for expenses necessary to host, on an alternating basis, the annual meeting of the General Assembly of INTERPOL, and to periodically sponsor INTERPOL conferences on emerging topics of international crime.

SEC. 14. Each organization of the Department of Justice, through the appropriate office within the Department of Justice, shall notify in writing the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, other appropriate committees, and the ranking minority members thereof, not less than fifteen days before—

(1) reprograming of funds in excess of $250,000 or 10 per centum, whichever is less, between the programs within the offices, divisions, and boards as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and House of Representatives,

(2) reprograming of funds in excess of $500,000 or 10 per centum, whichever is less, between programs within the Bureaus as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and the House of Representatives,

(3) any reprograming action which involves less than the amounts specified in paragraphs (1) and (2) if such action would have the effect of making significant program changes and committing substantive program funding requirements in future years,

(4) increasing personnel or funds by any means for any project or program for which funds or other resources have been restricted,

(5) creation of new programs or significant augmentation of existing programs,

(6) reorganization of offices or programs, and

(7) significant relocation of offices or employees, including the closing of ports of entry and border stations.

SEC. 15. Notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 State. 1810), funds authorized to be appropriated under this Act may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

SEC. 16. (a) The Attorney General shall transmit a report to each House of the Congress in any case in which the Attorney General—

(1) establishes a policy to refrain from the enforcement, in fiscal year 1985, of any provision of law enacted by the Congress, the enforcement of which is the responsibility of the Department of Justice, because of the position of the Department of Justice that such provision of law is not constitutional, or

(2) determines that the Department of Justice will contest, or will refrain from defending, in fiscal year 1985, any provision of law enacted by the Congress in any proceeding before any court of the United States, or in any administrative or other proceeding, because of the position of the Department of Justice that such provision of law is not constitutional.

(b) Any report required under subsection (a) shall be transmitted not later than thirty days after the Attorney General establishes the policy specified in subsection (a)(1) or makes the determination specified in subsection (a)(2). Each such report shall—

(1) specify the provision of law involved,

(2) include a detailed statement of the reasons for the position of the Department of Justice that such provision of law is not constitutional, and

(3) in the case of a determination specified in subsection (a)(2), indicate the nature of

the judicial, administrative, or other proceeding involved.

(c) During fiscal year 1985 and notwithstanding any other provision of law, in any case in which the Attorney General determines that the Department of Justice will refrain from defending or will contest the constitutionality of any statute or provision of law, or in which the Attorney General determines that the Department of Justice will bring, or authorizes the bringing of, an action challenging or contesting the validity of any statute or provision of law, the Attorney General shall not proceed in the name of the United States, but only in the name of the agency or department on whose behalf the Attorney General appears, or the President if the Attorney General appears on the President's behalf.

SEC. 17. Section 408(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687(c)) is amended by striking out "April 1, 1984" and inserting in lieu thereof "September 30, 1986".

SEC. 18. None of the sums authorized to be appropriated by this Act may be used for any activity the purpose of which is to overturn or alter the per se prohibition of resale price maintenance, in effect under the Federal antitrust laws, except that nothing in this section shall prohibit any employee of the Department of Justice from presenting testimony on this matter before appropriate committees of the House of Representatives and the Senate.

SEC. 19. Unless otherwise provided in any statute of the United States enacted after the date of the enactment of this Act, none of the sums authorized to be appropriated by this Act may be used to transfer any attorney position from the Antitrust Division of the Department of Justice to any office of any United States Attorney or to pay the salary of any attorney occupying any such position so transferred after April 1, 1983.

SEC. 20. Part II of title 28 United States Code, is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—GENERAL AUTHORIZATIONS—DEPARTMENT OF JUSTICE

"Sec.
"576. General authorizations.

"§ 576. General authorizations

"(a) The Attorney General or his designee is authorized to make payments from Department of Justice appropriations for—

"(1) the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries; and

"(2) attendance at meetings to be expended for such purposes in accordance with the regulations issued by the Attorney General.

"(b) The offices, divisions, and subdivisions included in the general administration area of the annual appropriation of the Department of Justice are authorized to make payment from their appropriations for the hire of passenger motor vehicles.

"(c) The offices, divisions, and subdivisions included in the general legal activities area of the annual appropriation of the Department of Justice and the Antitrust Division are authorized to make payments from their appropriations for—

"(1) the hire of passenger motor vehicles; and

"(2) necessary accommodations in the District of Columbia for conferences and training activities.

"(d) The fees and witness activity of the annual appropriation of the Department of Justice is authorized to make payment from its appropriation for—

"(1) expenses, mileage, compensation, and per diem of witnesses in lieu of subsistence, as authorized by law; and

"(2) advance of public moneys.

No sums authorized to be appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

"(e) The Community Relations Service of the Department of Justice is authorized to make payments from its appropriation to pay for the hire of passenger motor vehicles.".

SEC. 21. Section 106 of the Act of March 14, 1980 (94 Stat. 97; 22 U.S.C. 1622(f)), is amended to read as follows:

"§ 106. Administrative support and services to Foreign Claims Settlement Commission of the United States by the Attorney General

"The Commission is authorized to make payments from its appropriation for—

"(1) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;

"(2) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;

"(3) advances of funds abroad; and

"(4) the hire of motor vehicles for field use only.".

SEC. 22. (a) Section 568 of title 28, United States Code, is amended to read as follows:

"§ 568. General authorizations

"Appropriations for the United States attorneys and marshals are available for—

"(1) the purchase of firearms and ammunition and the attendance at firearms matches;

"(2) the lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year including acquisition of vehicles seized and forfeited to the United States Government for official use;

"(3) the supervision of the United States prisoners in non-Federal institutions;

"(4) the bringing to the United States from foreign countries person charged with crime; and

"(5) the acquisition, lease, maintenance, and operation of aircraft.".

(b) Section 548 of title 28, United States Code, is amended to read as follows:

"§ 548. Salaries

"Subject to sections 5315-5317 of title 5, United States Code, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code.".

SEC. 23. Chapter 301 of title 18, United States Code, is amended by inserting after section 4011 the following new section:

"§ 4012. Support for United States prisoners in non-Federal institutions

"The Attorney General or his designee is authorized to make payments from the support for United States prisoners in non-Federal institutions appropriation for entering into contracts or cooperative agreements for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, and the acquisition of equipment, supplies, or materials required to improve conditions of confinement and services of any facility which confines Federal detainees, in accordance with regulations to be issued by the Attorney General and which are comparable to the regulations issued under section 4006 of this chapter.".

SEC. 24. Chapter 33 of title 28, United States Code, is amended by inserting after section 537 the following new section:

"§ 538. General authorizations

"The Federal Bureau of Investigation is authorized to make payments from its appropriation for—

"(1) expenses necessary for the detection and prosecution of crimes against the United States;

"(2) protection of the person of the President of the United States and the person of the Attorney General;

"(3) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;

"(4) purchase for policy-type use without regard to the general purchase price limitation for a current fiscal year and the hire of passenger motor vehicles;

"(5) acquisition, lease, maintenance, and operation of aircraft; and

"(6) purchase of firearms and ammunition and attendance at firearms matches.

None of the sums authorized to be appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.".

SEC. 25. Section 6 of the Act of July 28, 1950 (64 Stat. 380; 8 U.S.C. 1555), is amended to read as follows:

"§ 6. Immigration and Naturalization Service general authorities

"The Immigration and Naturalization Service is authorized to make payments from its appropriation for—

"(1) advance of cash to aliens for meals and lodging while en route;

"(2) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;

"(3) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;

"(4) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire for passenger motor vehicles;

"(5) acquisition, lease, maintenance, and operation or aircraft;

"(6) payment for firearms and ammunition and attendance at firearms matches;

"(7) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

"(8) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens; and

"(9) acquisition of land as sites for enforcement fences, and construction incident to such fences.".

SEC. 26. The Drug Enforcement Administration is authorized to make payments from its appropriation for—

(1) the hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year,

(2) payment in advance for special tests and studies by contract,

(3) payment in advance for expenses arising out of contractural and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503(a)(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2)),

(4) publication of technical and informational material in professional and trade journals and purchase of chemicals, apparatus, and scientific equipment,

(5) necessary accommodations in the District of Columbia for conferences and training activities,

(6) acquisition, lease, maintenance, and operation of aircraft,

(7) contracting with individuals for personal services abroad, and such individuals shall be not regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management,

(8) payment for firearms and ammunition and attendance at firearms matches, and

(9) payment for tort claims when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad.

SEC. 27. Chapter 303 of title 18, United States Code, is amended by inserting after section 4043 the following new section:

"§ 4044. General authorizations

"The Bureau of Prisons is authorized to make payments from its appropriation for—

"(1) purchase and hire of law enforcement and passenger motor vehicles;

"(2) compilation of statistics relating to prisoners in Federal penal and correctional institutions;

"(3) assistance to State and local governments to improve their correctional systems;

"(4) purchase of firearms and ammunition and medals and other awards;

"(5) purchase and exchange of farm products and livestock;

"(6) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18, United States Code;

"(7) Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;

"(8) planning, acquisition of sites and construction of new facilities, and constructing, remodeling and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this subsection; and

"(9) carrying out the provisions of sections 4351 through 4353 of this title relating to a National Institute of Corrections, to remain available until expended.".

SEC. 28. Section 4204(b) of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"(9) make payment from the appropriation for the Commission to hire passenger motor vehicles.".

SEC. 29. The table of chapters for part II of title 28, United States Code, is amended by inserting after the item relating to chapter 37 the following new item:

"38. General authorizations..... 576".

SEC. 30. The table of sections for chapter 37 of title 28, United States Code, is amended by amending the item relating to section 568 to read as follows:

"568. General authorizations.".

SEC. 31. The table of sections for chapter 301 of title 18, United States Code, is amended by inserting after the item relating to section 4011 the following new item:

"4012. Support for United States prisoners in non-Federal institutions.".

SEC. 32. The table of sections for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 537 the following new item:

"538. General authorizations.".

SEC. 33. The table of sections for chapter 303 of title 18, United States Code, is amended by inserting after the item relating to section 4043 the following new item:

"4044. General authorizations.".

The amendment was agreed to.

Mr. THURMOND. Mr. President, I am pleased to voice my strong support for S. 2606, a bill to authorize appropriations for the Department of Justice for fiscal year 1985, as reported by the Committee on the Judiciary. At the request of the administration, I introduced this bill on April 30, 1984, on behalf of myself and the ranking minority member on the committee, Senator JOSEPH R. BIDEN, JR.

Last year, the Department sent two bills to Congress. The first primarily authorized appropriations for fiscal year 1984. The second would have enacted into the United States Code various authorities which traditionally have been part of the annual authorization bill. It also included some new provisions. The request for this change in approach stemmed from serious concern on the part of the administration that authorizing legislation for the Department had not been enacted since fiscal year 1980, except on a continuing basis. There was even a lapse in that continuing authorization during 1982, with considerable confusion and disruption.

Since we also felt great concern and frustration about the authorization situation, Senator BIDEN and I carefully examined the proposals relating to permanent authority. Our goal was to minimize the disruptive effects of the annual authorization process on the Department, while preserving the important oversight responsibilities of this committee. When the fiscal year 1984 authorization bill was reported last May, the committee adopted an amendment, which I offered, along with Senator BIDEN. That amendment provided appropriations ceilings for fiscal year 1984, created permanent authority for routine, noncontroversial activities of the Department, and retained annual authority for sensitive Department activities and any new requested functions.

The bill, with that amendment, passed the Senate without objection last summer. The House leadership was prepared to accept our bill with few changes last November. Unfortunately for our chief Federal law enforcement agency, which was, and continues to be in desperate need for the authorities included in the amendment, the bill could not be considered on the floor of the House in the closing hours of the first session of this Congress.

The committee amendment to S. 2606 preserves the approach which Senator BIDEN and I proposed last year. It authorizes dollar levels and provisions which are new or which involve areas important to the committee's oversight for fiscal year 1985 only. Thus, only annual authority is provided for emergency expenses and provisions relating to undercover operations.

For example, among the new provisions recommended by the Department and the committee are those relating to certain expenses incurred by Department personnel and their families due to temporary relocation because of threat to life, and undercover operations by the DEA. The amendment essentially adopts the dollar levels recommended by the administration with some of the following major differences:

First, it would provide $10 million for the multistate intelligence units which the committee has funded in the past.

Second, it would provide $10 million for operations of the U.S. Trustees Pilot Program in fiscal year 1985, and would reauthorize the existing pilot program through September 30, 1986.

Third, it would retain a separate line item and $97 million for the Organized Crime Drug Enforcement Program. It does not transfer OCDE funds to individual agencies, as recommended by the Department.

Fourth, it adds $1.5 million to continue the FBI hostage rescue team.

Fifth, it restores $3 million in proposed cuts to the DEA.

Otherwise, it adopts the following major initiatives recommended by the administration:

First, it includes a program increase of 1,000 positions and $43.6 million for a major Southern border enforcement initiative.

Second, it expands the organized crime drug enforcement initiative to establish a 13th task force covering the Florida-Puerto Rico-Virgin Islands area.

Third, it contains a major tax litigation initiative of 150 positions and $8.3 million for the Tax Division and the U.S. attorneys to combat abusive and delinquent tax practices.

Fourth, it continues the administration's effort to infuse additional re-

sources into the FBI Foreign Counterintelligence Program to combat terrorism and other threats to domestic security.

Fifth, it further increases the capacity of the Federal prison system with an additional $74.5 million.

Sixth, it contains new funding of $65 million for improved technology in various operations throughout the Department.

Seventh, it provides for law enforcement coordinating committee/victim-witness coordinators in each judicial district.

Eighth, it expands the Department's Environmental Enforcement Program.

Ninth, it authorizes $13 million for expansion of the FBI Academy to jointly house the FBI Headquarters Engineering Section and the DEA's Research and Engineering Program.

The amendment includes the traditional language which requires notice to the Judiciary Committee of reprogrammings and other major changes in Department operations, and makes those requirements permanent. It requires the Attorney General to send his annual report on Department activities to Congress within 5 months after the end of the fiscal year. The Attorney General would also be required to report annually on the operations of the Organized Crime Drug Enforcement Program.

I want to thank Senator BIDEN, the ranking minority member of this committee, and his staff for closely cooperating with me to achieve this compromise, which was reported by the committee in a timely manner, and without objection. I believe that it accommodates the concerns of the Department, while facilitating the important oversight responsibilities of the Judiciary Committee. If enacted, S. 2606 will be the first authorization bill for the Justice Department enacted in 5 fiscal years and I believe that it is a good one.

Mr. BIDEN. Mr. President, I am happy to join with Chairman THURMOND in asking the Senate to pass S. 2606, the Department of Justice authorization bill for fiscal year 1985. We have once again worked in a bipartisan manner to move forward on an important piece of criminal justice legislation.

The Department of Justice has not had a new authorization bill enacted since fiscal year 1980. That has caused periodic lapses in authority to carry out important and necessary law enforcement activities.

As the ranking member of the committee I was pleased to see that this year's authorization request did not include budget or position decreases like we have seen in the past. This request recognizes the need for increased funds across the board for criminal justice agencies and was unanimously agreed to by the members of the Senate Judiciary Committee.

Additionally, this bill will continue the assistance for joint State and local law enforcement agencies engaged in drug and organized crime investigations. It also includes $3.6 million in funds the administration had proposed to cut in the Drug Enforcement Administration.

I would hope my colleagues join us in passing the Department of Justice authorization bill as a further indication of our resolve to attack the crime and drug problems of this Nation.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as amended.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELIMINATION OF RESTRICTIONS ON FREE FLOW OF TRAVEL LITERATURE

The resolution (S. Res. 373) to seek the discontinuance of certain practices restricting the free flow of travel literature from the United States, was considered and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

Whereas Americans traveling abroad represent a significant source of income to the countries they visit and foreign visitors to the United States make significant contributions to domestic interstate commerce;

Whereas the benefits of international tourism are maximized by the free exchange of travel literature on a worldwide basis;

Whereas a 9 percent surcharge is levied on travel literature sent into Canada from the United States, while there is no such fee on promotional travel literature sent by Canada into the United States;

Whereas this type of travel literature, which describes tourist attractions in the United States, is distributed free of charge on a worldwide basis;

Whereas the United States travel and tourist industry and the United States economy are adversely affected by any restriction on promoting travel opportunities in the United States; and

Whereas previous attemps to restore the ability of the United States travel and tourism industry freely to promote United States travel destinations have been unsuccessful: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should direct the Secretary of Commerce to seek the discontinuance of practices that restrict the free flow of travel literature to Canada from the United States; and be it further

Resolved, That the Secretary of Commerce is urged to present this issue to the Tourism Policy Council, pursuant to the requirements of the National Tourism Policy Act (22 U.S.C. 2121 et seq.), and seek the Council's recommended course of action.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF HARVEY E. WARD

The bill (H.R. 3221) for the relief of Harvey E. Ward, was considered, ordered to a third reading, read the third time, and passed.

MEASURE INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order No. 972, Senate Concurrent Resolution 86, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSECUTION OF BAHA'IS IN IRAN

Mr. BAKER. Mr. President, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 226) expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. PERCY. Mr. President, today the Senate votes on House Concurrent Resolution 226, condemning the persecution of the Baha'is in Iran. Last week the Foreign Relations Committee unanimously passed this resolution. Given the plight of the Baha'i community, I believe it is time for the full Senate again to go on record as objecting strenuously to the treatment of this peaceful religious minority. The House passed an identical resolution on May 22, and, together, our message will be strong.

Since the rise of the Ayatollah Khomeini in 1979, the Baha'i community in Iran has been subjected to cruel and escalating persecution. Since the Khomeini government took power, 175 Baha'is have been executed for the crime of their faith, and many others continue to suffer systematic oppression and torture. According to Baha'i leaders in the United States, the persecution appears to be entering a new and sinister phase.

I know many Baha'i people because the Baha'i headquarters in the United States is located just two blocks from my house in Illinois. The Baha'i community in the United States fully supports this resolution. They believe

that it is crucially important at this time to focus international attention on the severe situation for their coreligionists in Iran. By passing this resolution, the Senate will make public its absolute condemnation of Iran's persecution of the Baha'is.

Mr. MATHIAS. Mr. President, during this year's commemoration of Maryland's 350th anniversary, I have often been reminded that the first settlers of our State came to this country to establish a haven of religious toleration. Unfortunately, intolerance continues today in many places of the world.

The persecution of the Baha'is in Iran is a tragic case that calls for our support for House Concurrent Resolution 226, which condemns the Iranian Government's treatment of the Baha'is.

Since the Khomeini regime took power in 1979, the Government of Iran has embarked upon a conscious policy of persecuting those of the Baha'i faith in the country of its birth.

More than 175 Baha'is have been executed by the Khomeini regime. Many of those executed were elected leaders of Baha'i assemblies, the governing bodies of this religious faith, which has no clergy but elects its leaders to direct the affairs of the community. Women and teenage girls have been hanged for their religious faith. Indeed, the proof that the persecution is based solely on religious differences is seen in the fact that almost all of those executed were offered their freedom, and restoration of jobs and possessions, if only they would renounce their faith and embrace Islam.

The administration has issued two public appeals on behalf of the Iranian Baha'i community, and continues to work in the United Nations Human Rights Commisssion to secure collective appeals against the actions of the Khomeini regime.

The results of these efforts have been modest. But it is my sincere hope that in passing this resolution today we will send a strong signal to the civilized world the we cannot tolerate mindless persecution of a community of innocent men and women.

Mrs. KASSEBAUM. Mr. President, the authors of this resolution should be commended for the leadership that they have exercised on this most important humanitarian issue. Nowhere is the repugnance of the radical regime in Iran more apparent than in its vicious and indefensible persecution, if not genocide, against the Baha'i people in that country. This is religious persecution in its most virulent form. Neither racial nor cultural differences distinguish Baha'i Iranians from their Shi'ite Moslem countrymen. It is purely on the basis of religious intolerance that Baha'is in Iran are persecuted, tortured, and killed.

From time to time, history has witnessed the kind of intolerance and genocide that the present Iranian regime is visiting upon its own Baha'i population. However, when brutality of this type has been exposed to the world's eye, history also shows us that no regime that engages in such abuses can last for long. This is why the authors of Senate Concurrent Resolution 86 deserve our praise. They are bringing ongoing abuses to our consciousness. They are providing the first necessary step to bring pressures to bear on the perpetrators of the practices we condemn.

In conclusion, Mr. President, let me state that I do not believe that this issue is a matter of exclusively Christian or Jewish concern against Moslems. In point of fact, this issue is of concern to all people of all religious faiths. Persecution against any one group affects us all, for it is all too easy or any of us to become the next victim if we only stand by while the rights of others are abused.

Mr. HEINZ. Mr. President, I am deeply gratified by the actions of the Senate Foreign Relations Committee in bringing this resolution, House Concurrent Resolution 226, to the floor, and I urge all of my colleagues to join in condemning the Iranian Government for the continued persecution of the people of the Baha'i faith. This resolution is identical to Senate Concurrent Resolution 86 introduced by Senator PERCY and myself last November.

As the war between Iran and Iraq intensifies our attention is necessarily focused on that strategic yet volatile corner of the world. We must not, however, let that conflict divert our attention from an international tragedy which has befallen a small, peaceful religious minority in Iran—the Baha'is.

The rise of the Ayatollah Khomeini in the 1979 Islamic revolution initiated escalating hatred and hardship for the peaceful Baha'i community in Iran. Over 170 Baha'is—men, women, and even teenage girls—have been executed by the Khomeini regime, ostensibly on criminal charges. But in truth these innocent people were publicly hanged because of their dedication to the Baha'i faith.

Members of the Baha'i community have been denied their basic human rights. Their religion is not recognized by the Khomeini regime, and every attempt is made to convert Baha'is to Islam through the threat of officially sanctioned persecution. For refusing to embrace the religion of the ruling government, thousands have been arrested and tortured, losing their property and jobs. Holy sites have been confiscated and desecrated.

On May 2, 1984, the House Subcommittee on Human Rights and International Organizations held a hearing on the "Religious Persecution of the Baha'is in Iran." The record of that hearing demonstrates the horror which is being inflicted upon the Baha'is of Iran. Since Senator PERCY and I introduced Senate Concurrent Resolution 86 on November 14, 1983, over 20 more individuals have been executed. Countless others have faced torture in order to elicit false confessions that they were members of the CIA or agents of Zionism who were attempting to overthrow the regime. In addition, the record reveals that some 700 Baha'is, including children, are being held in Iranian prisons. Because access to these victims is strictly limited by the regime, their fate is uncertain and precarious.

Mr. President, Senate Concurrent Resolution 86 calls attention to the tragic and unjust persecution of this religious minority. The resolution condemns the Khomeini regime's actions against the Baha'is and reaffirms our solidarity with the Baha'is people. The resolution also calls on the President to take an active role in persuading the Iranian Government to halt the destruction of this peaceful community.

I am pleased that 67 Members of the Senate are cosponsors of Senate Concurrent Resolution 86 and that it is supported by the State Department on behalf of the Reagan administration. In a recent letter to the chairman of the Senate Foreign Relations Committee, CHARLES PERCY, the State Department acknowledges that resolutions in multilateral bodies and in international media serve as a brake on the Iranian regime and prevent even more egregious actions that might be taken out of the glare of world publicity.

Let me urge each of my Senate colleagues to add his or her support to this important resolution, House Concurrent Resolution 226. Together, this body can send a clear signal directly to the Iranian regime that we have noted and that we condemn these outrageous violations of internationally accepted standards of basic human rights.

Mr. President, I ask unanimous consent to insert into the RECORD a recent Newsweek article, "Death Inside Khomeini's Jails," which is an eyewitness account of torture and execution in Iran.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEATH INSIDE KHOMEINI'S JAILS

Safely away from Ayatollah Khomeini's jails, a survivor sat in a London office last week describing the torments she had endured. She was a woman in her early 40s, a mother of three. She was also a Bahai, a member of a religious faith that Iran's Islamic leaders consider a heresy. Since the over-throw of the shah, they have relentlessly persecuted the country's 300,000 Bahais—arresting them, confiscating their

property and, sometimes, when they refuse to recant their religion, executing them. To use the woman's name would jeopardize the lives of relatives still in Iran. But the story she told Newsweek's London bureau chief Tony Clifton seemed as credible as it was bleak. Excerpts:

I worked for the National Iranian Oil Co. in Shiraz. About two years ago I was taken before two mullahs who questioned me for four hours. They tried to convince me I should recant and convert to Islam. They told me that if I did not recant I would be dealt with according to "Islamic law." I said I could not. About 10 days later I was summoned again. They asked who my family and friends were and for the names of other Bahis. One said, "Don't think you're just going to lose your job—from now on you'll be followed everywhere."

And then I was sacked, for being "a follower of the misleading sect of Bahaism." Bahais were not allowed to leave the country. But I didn't want to leave—I hadn't done anything wrong. At the end of 1982, four Revolutionary Guards came to our house and took me. My three-year-old boy ran after me crying, "I want my mummy!" A guard just threw him aside.

They drove me to the Sepah military prison in southern Shiraz. When we came to the courtyard they blindfolded me. I was led into a room and a voice said, "What's the charge?" and someone replied, "Bahai." There seemed to be other men in the room and they cursed me: "Your father was a dog." "Your ancestors were animals." "You're a racial degenerate." This went on for two hours. Afterward, I was taken to another room where a woman stripped me and searched me. Then I was taken to a cell.

The cell was about 10 feet square. It was in semidarkness, lit only by two dirty windows in the ceiling. There were about 40 women of all ages in it, most of them Bahais. But some were political prisoners. A small number were there for civil crimes. We were squeezed together standing up, and when we tried to sleep at night we had to lie on our sides, because if we lay on our backs or stomachs we took up too much room. I was there almost two months. During that time, women were taken out and tortured and then brought back. There was never a time when someone was not groaning or screaming or lying unconscious next to you.

I will always remember Nusrat Yaldoi, a Bahai woman I knew. They tried to force her to recant, and the guards whipped her with wire cables. Because she was a woman they had covered her back with a cotton chador, because it would have been immodest for them to see her bare back. The wires had torn her back to shreds, so that you could see the bone, but they had also torn the chador to shreds and the pieces of rag had been whipped into the raw flesh on her back. They whipped her until she was unconscious and threw her in the cell. Then another group of guards came in and said they needed Yaldoi for her trial. We all said she couldn't be tried because she was unconscious. They just dragged her by the arms, with her feet trailing on the floor. Later she told us that when they were beating her they said they would stop if she would go on radio and television to publicly deny her faith and to say that the Bahais spied for Israel. She was in the cell for 55 days without medical attention. Finally she was taken away and hanged with nine other women who had also refused to recant.

I was never tortured myself, but I was questioned endlessly, sometimes for 12 to 14 hours at a time. They tried to get me to reveal the whereabouts of other Bahais and where Bahai funds were hidden. Sometimes I would be blindfolded and stood against a wall, and suddenly the guards would cock their rifles as though they were about to shoot me. Once, they blindfolded me and took me downstairs to a room that must have been a torture chamber. I could hear someone being whipped, and could hear screams and groans. Someone said to me, "This will happen to you if you don't tell us what we want to know." Then one day I was taken into a courtroom. The guards had my three-year-old son. I hadn't seen him since they arrested me. They let him sit on my knee. One of the men said, "Here's your son. You can keep him with you, and have your home and pension back. All you have to do is recant. If you don't—we'll take you out and hang you." I still refused.

Torture: It was common practice to put pressure on you through your family. One day the prison guards came for another Bahai woman, a young hospital nurse from Shiraz named Tahirin Siyavashi. They told her that her husband, Jamshid, had recanted. When they brought him to see her, two guards had to support him because he couldn't walk: he had been whipped and his toenails pulled out. Jamshid told her that he had been condemned to death, but that he had not recanted and that she must not do so either. Two days later they hanged him.

Last year they hanged Tahirin Siyavashi too. The youngest of the nine Bahai women hanged was Muna Mahmadnijhad. She was 17. Her father had been tied face down on a bed and flogged for refusing to disclose the names of other Bahais. He told her to cooperate with the authorities so that they would not beat her too. But of course she was so young she didn't know anything. So they hanged him, and they hanged her as well. She was only a high-school student and had never done any harm to anyone.

Then they released the survivor. She thinks she was freed because she was a high Bahai offical in Shiraz. "I think they believed that if they let me go, they could keep a watch on me and wait for me to lead them to our people who were in hiding." Instead, she made her way safely out of Iran. She still carries a photograph of Tahirin Siyavashi. "The last thing she said to me was, 'Go and tell everyone what they're doing to us.' And so I'm telling you, now."

Mr. PELL. Mr. President, the resolution before us, House Concurrent Resolution 226, concerns the plight of the Baha'is in Iran. Without a doubt, the treatment of the Baha'is is the most serious of many appalling human rights abuses in Iran today, and of the most egregious human rights violations anywhere. I commend my colleagues from Pennsyvlania, Senator HEINZ, for offering this timely resolution and for his efforts to secure its passage.

The Khomeini regime has, in effect, made adherence to the Baha'i faith a crime. In August 1983, Iran's Revolutionary Prosecutor General effectively banned all Baha'i religious activity. In Iran, it is now a crime for the Baha'i to participate in a social welfare organization, to operate a business corporation, or to teach the faith, even by parents to children at home. Baha'i shrines and cemeteries have been desecrated and Baha'i women, whose marriages are not recognized by the regime, have been branded prostitutes.

Since Khomeini took power more than 170 Baha'is have been executed. The victims have included men, women, and even children. Over 700 Baha'is are imprisoned in Iran today. Torture of the Baha'is—including the whipping of prisoners with metal cables, the pouring of boiling water on prisoners, and severe beatings—is commonplace.

We should harbor no illusions about the probable fate of Iran's Baha'is. I would like to quote a brief extract from an interview given by Hojjatol-Islam Qazi, a religious judge and president of the Revolutionary Court of Shiraz.

The Iranian nation has arisen in accordance with Koranic teachings and by the will of God has determined to establish the Government of God on earth. Therefore, it cannot tolerate the perverted Baha'is who are instruments of Satan and followers of the devil and of the super powers and their agents, such as the Universal House of Justice of Israel. It is absolutely certain that in the Islamic Republic of Iran there is no place whatsoever for Baha'is and Bahaism.

Of the seriousness of the regime's intention to eliminate the Baha'is from Iran, there can be no doubt. Hojjatol-Islam Qazi's comments came as the Shiraz Court sentenced 20 Baha'is to death.

The treatment of the Baha'is in Iran is all too reminiscent of the treatment of the German Jews in the early stages of Hitler's Reich. If a full-scale genocide is to be avoided, the world community must keep international attention focused on Iran's treatment of the Baha'is. Resolutions, such as the one we are about to pass, are a useful tool in insuring that the vilest crime of all—genocide—does not occur in the dark.

Mr. SARBANES. Mr. President, last year in Iranian Prosecutor General published an edict which defines as "criminal acts" the teaching and religious activities of the Baha'i faith, in effect outlawing the formal practice of the Baha'i religion and placing in jeopardy the employment, education, property and even the lives of the Baha'is themselves. This edict does not represent a departure from the established policies of the Khomeini government in Iran; it merely carries those policies forward, to establish a new framework for the oppression and persecution of persons of the Bah'ai faith.

The policies of oppression and persecution are well documented. In the House of Representatives, the Subcommittee on Human Rights and International Organizations of the Foreign Affairs Committee held hearings in May 1982, and again in May of this year to document the tragic situa-

tion of the Baha'is. the Senate Foreign Relations Committee is scheduled to receive further testimony in hearings on June 26.

We have learned from the bitter experience of this century that the persecution of a vulnerable people must not be ignored. The approximately 300,000 Baha'is now living in Iran are indeed vulnerable, and House Concurrent Resolution 226 speaks out in their defense by condemning the Iranian policies of persecution and calling for international cooperation on behalf of the Baha'is. As Elie Wiesel has so eloquently reminded us, the opposite of love is not hate but indifference. Our respect for human rights and human dignity, indeed our own self-respect as a free nation will not permit us to remain indifferent.

Mr. DODD. Mr. President, I rise in strong support of House Concurrent Resolution 226, regarding persecution of members of the Baha'i faith by the Government in Iran. Along with a majority of my colleagues, I am a cosponsor of this resolution, and I hope that the Senate will pass it in timely fashion.

The Baha'i faith was founded 140 years ago in Iran. While I am not myself any great expert on the finer points of religious doctrine, I think an outside observer would agree that the most striking feature of the Baha'i religion is the emphasis placed on tolerance. Live and let live. The road the Baha'i have faced has been a hard one, but they have stuck to that basic principle. That is why what is being done to them now is particularly ironic—and especially painful.

There are now some 300,000 Baha'i in Iran. Their very existence as an organized religion, the passage of their faith to their children, is illegal. Since 1979, 170 prominent Baha'i have been executed in Iran for their beliefs. Last August, Iran's Prosecutor General declared that all Baha'i teaching and organized religious activities were criminal activities. Revolutionary guards, the brown shirts of the Khomeini regime, have the authority to enter any Baha'i home at will. More than 300 Baha'i homes have been destroyed.

Recently, Iran's Minister of Works and Social Affairs officially instructed commercial and industrial institutions not to pay the salaries of the Baha'i on their staff. More than 10,000 Baha'i have simply been dismissed, without warning, without justification; their incomes erased, their hopes wiped out. Baha'i students have been expelled from colleges and secondary schools because of their religion. And, in most places in Iran, it is impossible for a child of Baha'i parents to obtain even an elementary school education.

These statistics are accurate, but they are not the whole story. We have reliable accounts of the horrible truth. We have heard of the Baha'i woman whose husband was executed by firing squad—which then demanded payment to cover the cost of the bullets. We know about the Baha'i woman who gave birth and was killed by a fanatic mob, who took her child from the murdered mother to be raised according to Khomeini's brand of Islam—and we wonder at the fate of that child, what the future will hold. We know about the Baha'i prisoners who have died in custody, tortured to death because they refused to confess to fantastic crimes they did not commit. And we know what such confessions would be used for—justification for more persecution of the Baha'i, and the other luckless victims of Iran's Islamic Republic.

Mr. President, there is a word for this kind of wholesale atrocity. The word is "genocide." The August 1983 edict against the Baha'i reminds me of nothing so much as the Nuremberg laws of a half-century ago. We cannot allow this to go on without protest. We know that, at this time, there is little we can do to aid the Baha'i in Iran. but as Dr. Firuz Kazemzadeh, a distinguished constituent of mine, a Yale professor and the secretary of the Baha'i Assembly in America, has said "It is more difficult to kill, more difficult to torture, in broad daylight."

That is why passage of House Concurrent Resolution 226 is so important. My good friend and colleague, Senator HEINZ, and Congressmen YATRON, PORTER, STARK, and LEACH as well, deserve credit for pressing this matter in Congress. We must shine the light on the persecution of the Baha'i. This resolution does three things: First, it states that Iran will be held responsible for the crimes against the Baha'i; second, it condemns the efforts of the Iranian Government to destroy the Baha'i by making their religious practices illegal; and third, it urges the President to work with the appropriate governments, and with the United Nations, to provide aid and comfort to the Baha'i, both those within Iran and those who have managed to escape. These are sound goals, and I urge my colleagues to support them by prompt passage of House Concurrent Resoution 226.

Mr. GLENN. Mr. President, as a cosponsor of Senate Concurrent Resolution 86, the Senate companion to House Concurrent Resolution 226, I join my colleagues in condemning Iran's persecution of its Baha'i religious minority. While the peaceful Baha'i community has been persecuted in Iran for well over a century, the current Iranian Government has fiercely rekindled its oppression of the Baha'is. Since the establishment of a fundamentalist, Shi'ite theocracy in Iran in 1979, well over a hundred Baha'is have been executed, several hundred have been imprisoned, and the safety and civil rights of the more than 300,000 Baha'is living in Iran have been seriously threatened. An ominous development is the Iranian Government's banning of Baha'i administrative institutions which paves the way for future arrests of thousands of individuals who serve on Baha'i spiritual assemblies. The Iranian Government has created conditions which theaten the very survival of the Baha'i faith in Iran.

Only a few months ago, the Congress committed itself to the establishment of a memorial here in the Nation's capital to serve as a reminder of the millions who perished in the Holocaust during World War II. The goal of this memorial was not only to remind us of this terrible era of persecution, but to serve as a warning to be vigilant against the persecution that continues in our own time. As citizens of the world's oldest democracy, we are committed to the universal rights of the individual and specifically to the freedom to worship without fear of oppression. We are deeply committed to the belief that the Baha'is should have this same freedom.

While this resolution may do little to ease the persecution of the Baha'is in Iran, it would be unconscionable for the Congress to be silent in the face of this great injustice. We call upon the administration to work with our allies and all other members of the international community on behalf of the persecuted Baha'is of Iran.

● Mr. MURKOWSKI. Mr. President, I want to take this opportunity to address an important human rights issue. The persecution of the Iranian Baha'is by the Khomeini regime is perhaps one of the worst human rights violations in the world today. I feel compelled to speak out against this persecution.

Not a week passes without an act of sheer barbarism and religious oppression occurring in Iran, and the Baha'is are a key target. Already, more than 60 people—storekeepers, artisans, teachers, government employees, doctors, a university professor—have been lynched by mobs, or executed by revolutionary firing squads. At least 190 people have been brutally murdered by the Iranian Government since the Government takeover in 1979. Hundreds of Baha'is have been dismissed from jobs; thousands more have lost their homes and possessions. More than 700 Baha'is have been imprisoned, charged by the Iranian Government with trumped up charges such as cooperation with Zionism, spying for imperialist powers, corrupting the Earth, and warring with God.

This persecution is based upon theological differences between the Shi'ite Islams in control or Iran, and the Baha'is, an Islamic offshoot. The Baha'is, because of these differences,

are considered heretical. Their religion is not even formally recognized in the Iranian constitution, as other non-Islamic religions are.

As this attitude conflicts with those established in our Constitution and is foreign to the American concept of human rights. Steps have been taken by the U.S. Government to alert the rest of the world in the Baha'is search for a solution. The U.N. Human Rights Commission has passed four major resolutions concerning the persecution, and the United States has supported each one. The Voice of America has included mention of the persecution in its Persian language broadcasts. The Secretary of State and the President has issued statements calling attention to the persecution and requesting international support. The process has begun.

It is obvious that further action must be taken to combat this persecution. The 300,000 Baha'is in Iran are aware of this. The State Department and the President are aware of this. Congress has begun to act. On May 22 the House passed a resolution condemning this persecution and calling on the President to work with appropriate foreign governments in forming an appeal to the Khomeni regime. The Senate Foreign Relations Committee has passed this measure, and I understand the Senate will take it up within the next week. Finally, the Foreign Relations Committee will be holding a hearing on June 26 which will address the plight of the Baha'is.

These efforts must continue. The Baha'is cannot be forgotten. Thank you, Mr. President.

BAHA'I PERSECUTION MUST STOP

Mr. PRESSLER. Mr. President, I rise in support of this resolution condeming the persecution of the Baha'is in Iran. I have been a cosponsor of this measure in the Senate and a consistent critic of the Khomeini regime's treatment of the Baha'is. I urge my colleagues to join me today in support of this important measure.

The Baha'i religion has members in 152 independent nations. It was founded in the 19th century as an offshoot of Shi'ite Islam. This faith is not considered to be a branch of Islam today.

Baha'is represent the largest religious minority in Iran. Their 350,000 members make up slightly less than 1 percent of the Iranian population. Because of the relatively progressive ways of the Baha'is, they have come under severe persecution by Iranian authorities. They are often branded heretics and are condemned for having ties with Israel and the West.

Since 1979, over 170 Baha'is have been executed because of their religious beliefs. Thousands more have been jailed, with approximately 700 in custody at this time. All organized Baha'i activities are labeled criminal acts and Baha'is who refuse to reject their religion for the ways of Islam are subject to execution.

In addition, thousands of Baha'is have been dismissed from their jobs because of their faith. Their children have been expelled from schools. Places of worship have been confiscated and homes destroyed.

Mr. President, the Baha'is of Iran have been systematically denied virtually all freedom and opportunity. By anyone's measure, their human rights continue to be trampled upon. In particular, their freedom of religion is effectively nonexistent. The Iranian Government must be convinced that these atrocities are unacceptable and cannot be tolerated. To this end, the U.S. Government—and, indeed, all governments of the world—should direct themselves. This action of the U.S. Congress should inspire other nations, many of whom have closer ties with Iranian authorities than does the United States, to increase pressure on Iranians with whom they do business to stop official and private atrocities against the Baha'is.

Mr. BOSCHWITZ. Mr. President, I am pleased to add my own sentiments to those of the members who have spoken before me today in support of Senate Concurrent Resolution 86, expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran. It's easy to become jaded these days to the many examples we read and hear about of torture, persecution, and killings, but the situation faced by the Baha'i community is of a scope that makes some response a moral necessity.

Since the 1979 Islamic revolution, the Baha'i community has come under increasing pressure from the theocratic regime which rules that unfortunate country. The Baha'is have had to face an escalating series of personal hardships, hardships which are the result not of individual prejudice but of a systematic governmental policy which has as its goal the elimination of this world religion, which the fundamentalists in Teheran consider a heretical sect.

Evidence of the governmental nature of the persecution which the Baha'is currently face is plentiful. Baha'i shrines and cemeteries have been violated, their property rights have been ignored or revoked, they are being systematically excluded from social services, and practice of their religion has been outlawed by the Prosecutor General.

More frighteningly, these measures have recently been supplemented by widespread killings. Hundreds have been executed, while countless others have been the victims of extra-judicial killings. Indeed, the situation has reached the point where, as the distinguished ranking member of the Senate Foreign Relations Committee, Senator PELL, has observed, the word "persecution" has arguably be supplanted by the word "genocide."

I recognize that, in the face of the monstrous horror which we confront here, our weapons seem pitifully inadequate. And yet I would urge the Senators not to underestimate the value of resolutions of this sort. As Prof. Firuz Kazemzadeh [Gah-zem-zah-day] has argued in urging action on this bill, "It is more difficult to kill, more difficult to torture in broad daylight."

Men love the darkness, Mr. President, because it hides their deeds. This amendment sheds light on the dark deeds of a despotic regime. I don't suggest that our responsibility ends there, but it certainly begins there. I ask, then, for the adoption of this beginning, a first step toward the return of some degree of light to the Baha'is in Iran.

The concurrent resolution (H. Con. Res. 226) was considered and agreed to.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DUCK STAMP WEEK AND GOLDEN ANNIVERSARY YEAR OF THE DUCK STAMP

The joint resolution (S.J. Res. 270) designating the week of July 1, through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 270

Whereas on March 16, 1934, Congress enacted the Migratory Bird Hunting Stamp Act authorizing the sale of Migratory Bird Hunting and Conservation Stamps, commonly referred to as duck stamps;

Whereas under that Act any person sixteen years of age or older, who hunts ducks, geese, swans, or brant is required to carry a current duck stamp, and duck stamps may also be purchased by nonhunters interested in conservation;

Whereas the funds generated from the sale of duck stamps under that Act are placed in a migratory bird conservation fund to be used for the acquisition of migratory bird refuge and waterfowl production areas;

Whereas the Migratory Bird Hunting Stamp Act has created a continuing source of funds for waterfowl habitat acquisition and restoration;

Whereas waterfowl hunters and others interested in the conservation of our Nation's wildlife resources have contributed more than $270,000,000 toward the acquisition of three million five hundred thousand acres

of waterfowl habitat through the purchase of duck stamps;

Whereas an estimated four hundred fifty thousand acres of wetland habitat continue to disappear each year under the pressure of human development;

Whereas wetlands are vital not only for waterfowl, but also for a multitude of wildlife species, commercial and recreational fisheries, water purification, groundwater recharge, and flood control;

Whereas the current goal of the Fish and Wildlife Service is to preserve another one million six hundred thousand acres of key wetland habitat by 1986 to help maintain waterfowl populations; and

Whereas celebration of the "Golden Anniversary Year of the Duck Stamp" and "National Duck Stamp Week" will serve to increase awareness of the significant contribution a duck stamp purchaser makes to the conservation of wetland resources, and to encourage participation of other concerned Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of July 1 through July 8, 1984, is hereby designated as "National Duck Stamp Week" and that 1984 is designated as the "Golden Anniversary Year of the Duck Stamp". The President is authorized and requested to issue a proclamation—

(1) commemorating the fiftieth anniversary of the Migratory Bird Hunting Stamp Act;

(2) commending the many American sportsmen and conservationists who have played such an important part in the preservation of our Nation's ducks and geese through the purchase of the duck stamp;

(3) commemorating the efforts of the United States Fish and Wildlife Service to conserve wetland habitat;

(4) highlighting the annual loss of thousands of acres of wetlands that threatens the valuable waterfowl and other natural resources that depend upon this habitat; and

(5) calling upon the people of the United States to observe such year and such week and to participate in the duck stamp program.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' PREFERENCE MONTH

The joint resolution (S.J. Res. 297) to designate the month of June 1984 as "Veterans' Preference Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 297

Whereas the principle of providing preference in Federal civilian employment for veterans of the Armed Forces was first established in law in 1865 when Congress provided such a preference for Civil War veterans with service-connected disabilities;

Whereas the enactment of the Veterans' Preference Act of 1944 on June 27, 1944, was a landmark in the national policy of veterans' preference in civil service employment and has been strengthened since by law, Executive orders, and regulations providng such preference for veterans and the spouses, surviving spouses, and parents of certain veterans;

Whereas veterans' preference and career merit principles are inseparable and integral parts of the Federal civil service personnel system;

Whereas veterans' preference is a partial recognition of the great debt of gratitude that the Nation owes to its veterans of service in the Armed Forces; and

Whereas it is appropriate to establish the month of June 1984, the fortieth anniversary of the enactment of the Veterans' Preference Act of 1944, as Veterans' Preference Month to honor the men and women who have served the United States in the Armed Forces: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of June 1984 is hereby designated as "Veterans' Preference Month". The President is authorized and requested to issue a proclamation calling upon the departments and agencies of the United States and interested organizations and groups to observe such month with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

FOOD FOR PEACE DAY

The joint resolution (S.J. Res. 306) to proclaim July 10, 1984 as "Food for Peace Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 306

Whereas the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) was signed into law by President Eisenhower on July 10, 1954;

Whereas the Public Law 480 program (also known as the food for peace program) has received strong and bipartisan support from every President and Congress during the past thirty years as a versatile tool to use the abundant agricultural productivity of the United States to combat hunger and malnutrition abroad, expand export markets for United States agricultural commodities, encourage economic development in developing countries, and promote in other ways the foreign policy of the United States;

Whereas over three hundred million tons of agricultural commodities and products thereof valued at about $34,000,000,000 have been distributed to more than one hundred and fifty countries under the Public Law 480 program since its inception, substantially reducing world hunger and improving nutritional standards;

Whereas the Public Law 480 program has served as an example to other nations and encouraged them also to help meet food needs abroad by making available agricultural surpluses or cash donations for such purposes; and

Whereas the people of the United States remain dedicated to the high goals and purposes of the Public Law 480 program and committed to continuation of its important work: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 10, 1984, the thirtieth anniversary of Public Law 480, is hereby proclaimed as "Food for Peace Day", and the President is requested to issue a proclamation calling upon the people of the United States and Federal and State governmental agencies to commemorate Food for Peace Day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

NATIONAL MEAT WEEK

The resolution (S. Res. 396) to express the sense of the Senate that January 27 through February 2, 1985, should be observed as "National Meat Week," was considered and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 396

Whereas the term "Meat" comprises a broad category of food products, including beef, pork, lamb, and veal;

Whereas meat is a wholesome and nutritious food, one of the most valuable sources of vitamins and minerals in the human diet and a high-quality source of protein;

Whereas meat provides substantial amounts of the nutrients that people need to consume every day, such as vitamin B-12, riboflavin, thiamin, iron, and zinc;

Whereas the United States meat industry is continually striving to respond to changes in dietary patterns and consumer food preferences through product innovation and to contribute to a healthful diet by disseminating nutritional information;

Whereas the meat industry's annual sales of $70,000,000,000 make it the largest single component of United States agriculture;

Whereas the meat industry provides jobs for thousands of United States citizens; and

Whereas during the week of January 27 through February 2, 1985 the United States meat industry will conduct educational programs to highlight the positive contribution of meat to the American diet: Now, therefore, be it

Resolved, That it is the sense of the Senate that January 27 through February 2, 1985, should be designated as "National Meat Week", and that all citizens should be encouraged to observe such week with appropriate ceremonies and activities.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I Move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAUSE FOR THE PLEDGE OF ALLEGIANCE

The Senate proceeded to consider the bill (S.J. Res. 55) to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, line 7, strike "June 14," and insert "June 14, 1985."

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time.

The joint resolution was read the third time and passed.

The preamble was agreed to.

The joint resolution, as amended, and the preamble, are as follows:

S.J. RES. 55

Whereas by Act of the Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted; and

Whereas by Act of Congress, dated August 3, 1949, June 14 of each year was designated "National Flag Day" and the Star-Spangled Banner Flag House Association in Baltimore, Maryland, has been the official sponsor since 1952 of National Flag Day for the United States; and

Whereas on June 14, 1980, the Star-Spangled Banner Flag House Association developed a national campaign to encourage all Americans to pause for the Pledge of Allegiance as part of National Flag Day ceremonies; and

Whereas this concept has caught the imagination of Americans everywhere, and has received wide citizen support and recognition, there has now been created the National Flag Day Foundation, Incorporated, to plan the Nation's Flag Day ceremonies: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the pause for the Pledge of Allegiance as part of the celebration of National Flag Day throughout the Nation, and urges all Americans to participate on that day by reciting in unison the Pledge of Allegiance to our Nation's Flag, at seven o'clock post meridian eastern daylight time on June 14, 1985; and be it further

Resolved, That the Congress shall transmit a copy of this resolution to the National Flag Day Foundation, Incorporated, in Baltimore, Maryland.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF MARINA KUNYAVSKY

The bill (H.R. 3131) for the relief of Marina Kunyavsky, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1983

Mr. BAKER. Mr. President, I now ask the Chair lay before the Senate a message from the House on H.R. 4325, child support enforcement amendments of 1983.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 4325) entitled "An Act to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Rostenkowski, Mr. Ford of Tennessee, Mr. Stark, Mr. Pease, Mr. Matsui, Mr. Fowler, Mrs. Kennelly, Mr. Conable, Mr. Campbell, Mr. Moore, and Mr. Thomas of California be the managers of the conference of the part of the House.

Mr. BAKER. Mr. President, I move that the Senate insist on its amendments and agree to the conference requested by the House and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to, and the Presiding Officer [Mr. KASTEN] appointed Mr. DOLE, Mr. PACKWOOD, Mr. ARMSTRONG, Mr. GRASSLEY, Mr. LONG, Mr. MOYNIHAN, and Mr. BRADLEY conferees on the part of the Senate.

PUBLIC BUILDINGS AUTHORIZATION ACT OF 1984

Mr. BAKER. Mr. President, may I inquire of the minority leader if he can clear for action at this time Calendar Order No. 925.

Mr. BYRD. Mr. President, that matter may proceed. I will have an amendment on behalf of Mr. MOYNIHAN which I believe has been cleared.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 925.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2635) to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1985.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3219

(Purpose: To authorize funding for the Pension Building renovations)

Mr. BYRD. Mr. President, on behalf of Mr. MOYNIHAN, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. MOYNIHAN, proposes an amendment numbered 3219.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 19, strike "$2,227,802,000" and insert in lieu thereof "$2,234,302,000";

On page 3, line 13, strike "$226,404,000" and insert in lieu thereof "$232,904,000"; and

On page 3, after line 18, insert at the appropriate place:

"District of Columbia, Pension Building.....$6,500,000".

Mr. MOYNIHAN. Mr. President, the Committee on Environment and Public Works continues its efforts to treat rationally the annual program of the Public Buildings Service of the General Services Administration. S. 2635 complies with the processes set out in S. 452 and its predecessor bills, legislation to restructure public buildings activities of the Federal Government.

The Public Buildings Service is no small matter. S. 2635 authorizes $2.3 billion for fiscal 1985 and affects all executive agency personnel.

While the PBS entitled its fiscal year 1985 statement "Strategic Directions for the New Public Buildings Service," there remains little that is new. The Senate's repeated efforts to achieve a truly new Public Buildings Service have not been met: We see again this year that too many Federal employees work in leased space. We still lack a 5-year plan from PBS. We still have opportunity to purchase but virtually no purchasing.

S. 452, in my opinion, is more needed than ever. That bill, again this year, awaits action in the House. And without such legislation, I fear we will continue to see a marked lack of oversight by the Congress of an activity which needs close monitoring and stern encouragement to improve its ways.

For example, this year we did not receive even a complete public buildings management plan for fiscal year 1985 and the succeeding 5 years. In 1981 and 1982, we received professional-

looking plans shortly after the Congress convened. This year we received little but a list of projects, the same old promises, and excessive process.

We have a strategic directions document for fiscal year 1985. It is in its own words "not a traditional 5-year plan." The excuse should sound familiar: "the data is not available."

S. 452 would require that an annual and 5-year plan be submitted to the Congress no later than 15 days after Congress convenes each year. It would also require GSA to submit a detailed annual report on its activities by February 1 of each year.

A look at the proposed fiscal year 1985 budget provides other urgent reasons for enacting S. 452. Once again, we see the budget for scheduled leasing is going up, from $847 million in 1984 to $865 million in 1985. What makes this increase more disturbing is that it comes in a year when the total amount of space leased is expected to decline. Admirable as that decrease is—and GSA is to be commended for it—the fact that it is accompanied by an increase in expenditures points up the problem of locking ourselves into leased office space arrangements.

At the same time, we see that funding for significant construction, purchase, and major repairs is like the ever-receding horizon: It is always just ahead, but we never reach it. Moneys are accumulating in the Opportunity Purchase Program. We will soon have more than $130 million, and these moneys should be used while, as we are told by the experts from GSA, we are looking at a soft market.

I am especially concerned that in looking to purchase buildings that every consideration be given to older buildings and to buildings which convey the importance and seriousness of Government work.

With these points in mind, and with the unfinished business of true oversight still before us, I support S. 2635. I also support the inclusion of an amendment designed to continue the renovation of the Pension Building, a most unique asset in our Nation's inventory of Federal buildings. I am joined by my colleague, Senator RANDOPLH, in this proposal.

In 1980 Congress adopted legislation (Public Law 96-515) directing the restoration of the Pension Building in Washington, DC, by the GSA. The restoration was intended to preserve one of the city's most historic buildings, essentially restore it to its original grandeur and prepare it as a home for the National Building Museum.

Over the past 3 years the Congress has appropriated a total of $6.8 million to begin this work. In 1981 $2.4 million was appropriated to replace the entire roof over the Great Hall of the building. An appropriation of $1.75 million was provided in 1982 to carry out the design of the total restoration projects. Last year an additional $2.65 million was appropriated to accelerate the renovation in certain parts of the building. This work is expected to be completed by the end of 1984 and to prepare the building to host a Presidential inaugural ball in 1985.

Completion of the total project is estimated to cost an additional $29.5 million.

The reported bill contains no authorizations to continue restoration of the Pension Building in fiscal 1985. The amendment will correct this deficiency.

In its original budget submission for 1985, GSA had requested the full amount necessary to complete the Pension Building restoration. This amount was disallowed by the Office of Management and Budget and the document ultimately transmitted to the Congress contained no proposals relating to the Pension Building.

Senator RANDOLPH and I believe that restoration work should continue on what is one of the Nation's most unique examples of 19th century architecture. The Pension Building, indeed, is 1 of only 22 structures in Washington, DC, designated as a class I landmark building, a classification not enjoyed by such better known facilities as the Jefferson Memorial and the Old Post Office.

We acknowledge that legislation has been proposed (S. 2605) which, if enacted, would alter the existing statutory conditions for restoration of the building and its occupancy by the National Building Museum. It is highly unlikely that any action on this proposal will be taken by the Congress.

Our concern is that there be no break in the restoration program while this other issue is considered. So as not to prejudice the outcome of these deliberations, the $6.5 million authorized by this amendment should be committed to those items in the restoration plan that are not specifically intended to prepare it for occupancy and use by any specific entity or Government agency. The moneys should be used to complete work on basic institutional systems: Fire protection and emergency egress, exterior safety and waterproofing, basic safety and health, and certain minimum general occupancy repairs as contained in the overall restoration plan.

This amendment to S. 2635 authorizes $6.5 million for this purpose from the Federal Building Fund. The total authorization in the bill is increased to $2.234 billion, a level still within the anticipated revenues of the building fund. The addition of funds to continue work on the Pension Building, therefore, will not result in a reduction of other projects.

Mr. President, in closing I would like to commend the exemplary leadership provided on this, and so many other matters, by our distinguished chairman, Senator STAFFORD, and the chairman emeritus, Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, I join my colleagues on the Committee on Environment and Public Works in supporting S. 2635, the Public Buildings Authorization Act of 1984. This measure represents the Committee's directions to the General Services Administration concerning its conduct of the Public Buildings Program during fiscal 1985.

It also reflects our continuing belief that this program should be subject to annual review and authorization by the full Congress. While the Public buildings Act of 1959 permits a piecemeal approval of projects at any time during the year, our Committee 5 years ago rejected that approach. Since that time the Senate has on three occasions enacted comprehensive legislation which we developed and which would totally restructure the Public Buildings Progam. The keystone of that reform is provison for an annual authorization such as that embodied in S. 2635.

Last autumn, the Senate adopted S. 452, the current reform bill, and that measure is now pending before the House of Representatives. We are hopeful that before the conclusion of the 98th Congress the restructuring of the Public Buildings Program can be completed.

Mr. President, S. 2635 authorizes spending for all of the activities of the Public Buildings Service. Like several of my colleagues, I continue to be concerned about the substantial amounts that are spent for leasing of Government offices and other facilities. Both GSA and our Committee agree that the trend should be in the opposite direction, toward more Government-owned space. I am gratified that the amount of leased space will decline slightly next year even though the monetary obligation will increase. This suggests that greater effort must be made to construct new buildings and to obtain existing buildings which might be available in the private sector.

The opportunity purchase program was initiated last year by GSA to take advantage of a substantial amount of office space available for purchase in Washington, DC, and other cities. This situation arose because of the recession and overbuilding in a number of communities. It was felt to be a golden opportunity for the Government to acquire office space at reasonable prices. The idea was sound but unfortunately little progress has been made. Acquisition of only one building has been completed under the Opportunity Purchase Program although some others are pending. In the past 2 years funds have been shifted from direct Federal construction to the Opportunity Purchase Program. It is im-

portant that GSA vigorously pursue this program, for I seriously doubt that the current glut of office space will last for much longer.

Mr. President, I earnestly join with my able colleague from New York [Mr. MOYNIHAN] in offering an amendment to provide $6.5 million for one of the most historic structures in our National Capital City, the Pension Building. This century-old building was rescued from decades of neglect 3 years ago and steady progress has been made in the early stages of its restoration. It is crucial that we provide the resources to continue this work to restore the Pension Building to its former grandeur.

A comprehensive plan has been prepared and the funds authorized for 1985 would continue basic restoration and such portions of the restoration plan as relate to life and fire safety. I believe it is imperative that this work continue.

Mr. President, I commend the deep concern and careful attention that is given to public buildings matters in our committee by our capable chairman, Senator STAFFORD, and by Senator MOYNIHAN. Their work on this subject reflects their concern with the physical environment in which the Government carries out its responsibilities. They believe as do I, that the functions of the Federal Government should be housed in buildings that reflect the strength of our American heritage and the freedom of our people. They also believe that the Public Buildings Program must be conducted in an orderly, businesslike fashion, ever mindful that it like other Government activities, is supported by the American taxpayer. I fully concur in this basic philosophy of Senator STAFFORD and Senator MOYNIHAN, and I associated myself with them in their leadership.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3219) was agreed to.

Mr. STAFFORD. Mr. President, S. 2635 is the Committee on Environment and Public Works' fifth such annual bill to provide authorization of appropriations to the Public Buildings Service of the General Services Administration. Consistent with the committee's reform initiative as passed by the Senate in S. 452, the "Public Buildings Act of 1983," the bill provides comprehensive monetary authorizations for the public buildings program of GSA in fiscal year 1985, including line item amounts for specific construction and repair and alteration projects.

S. 2635 authorizes $2,227,802,000 in new obligational authority from the Federal Buildings Fund for fiscal year 1985, an aggregate amount identical to the budget request. The principal differences between S. 2635 and what GSA has proposed consists of the addition of three projects: First, construction of phase II of the Pavillion in the Old Post Office in Washington, DC; second renovation of the Federal Building in Las Vegas, NV, to provide additional courtroom space; and third, repair of the exterior plaza of the McNamara Federal Building in Detroit, MI, to forestall additional deterioration—and a decrease of $4.6 million for design and construction services.

Authorization amounts for the seven basic program activities of GSA are included in S. 2635 as follows:

First, $91,877,000 for construction and acquisition of facilities;

Second, $226,404,000 for repairs and alternations;

Third, $53,572,000 for design and construction services;

Fourth, $865,000,000 for the rental of space;

Fifth, $694,598,000 for real property operations;

Sixth, $117,040,000 for program direction; and

Seventh, $178,911,000 for purchase contract payments.

Mr. President, a primary goal of the public buildings program is to lessen reliance on expensive leased space to house Government functions. GSA has approached this goal from three directions: First, to improve space utilization by gradually reducing the allotment per Federal employee to 135 square feet; second, to repair and alter vacant space and reclaim it for Federal agencies; and, third, to acquire additional Government-owned space through what is termed the opportunity purchase program. Of the $91,877,000 identified above for the construction and acquisition of facilities, $70,217,000 is allocated for such opportunity purchases; that is, for the purchase of high quality commercial office buildings at a reasonable cost relative to their current market value. Judicious selection and acquisition of such buildings can increase the inventory of Government-owned space without the long leadtime typically associated with Federal construction.

For fiscal year 1985, new construction focuses on border stations, highly specialized facilities obtainable by no other means. These projects are at the following locations and amounts:

Texas, El Paso	$6,893,000
Washington, Lynden	2,386,000
Washington, Sumas	4,618,000

The additional new construction project contained in S. 2635—to provide expansion of the Pavilion at the Old Post Office in Washington, DC—consists essentially of foundation and basement work, extension of utilities, and paving in the adjacent Internal Revenue Service courtyard at an estimated cost up to $10,000,000—$2,000,000 from public and $8,000,000 from private funds.

Renovation of the Old Post Office has resulted in an extremely popular example of the implementation of the Cooperative Use Act, the mixed use of a Federal building for Government offices and private commercial and cultural purposes. Since its official opening in September 1983, the Pavilion at the Old Post Office has been patronized at a level which has severely taxed its capacity. Expansion of commercial development into the adjacent IRS courtyard after construction of a suitable facility will relieve the pressure on the cooperative-use space in the Old Post Office itself and provide an additional source of long-term rental revenue for GSA.

The line-item repair and alteration projects included in the bill fall into six categories of program needs. First among these is the category of Health and Safety which includes the following buildings and renovations costs:

San Francisco, CA, Appraisers Building	$9,711,000
Denver, CO, Federal Center No. 20	6,210,000
Washington, DC, Health and Human Services, North Building	1,504,000
Philadelphia, PA, Federal Building, 5000 Wissahickon Avenue	2,635,000
Arlington, VA, Pentagon Building	4,602,000

The obligational authority requested for renovation of the Denver Federal Center Building No. 20 provides for the completion of the second phase of this project to permit the relocation of hazardous Food and Drug Administration laboratories from the Federal Building-U.S. Customhouse in downtown Denver to safer, newly designed laboratory space. The committee authorized $10,087,000 for this project as a part of the fiscal year 1983 program.

The glazed terra cotta facing of the Appraisers Building in San Francisco is deteriorating and potentially hazardous. Its replacement and the installation of a fire sprinkler system are the major work items to be accomplished with the funds authorized for this building.

Fire safety equipment installation is the major component in each of the remaining three projects in the Health and Safety category. In addition, the Federal Building in Philadelphia requires asbestos removal.

Vacant space alterations is the second category of repair and alteration projects. There are three such projects at the following locations and renovation costs:

Sioux City, IA, Post Office Courthouse	$809,000
New York, NY, Federal Building, 201 Varick Street	1,508,000
Pittsburgh, PA, Post Office Courthouse	8,672,000

Renovation of the vacant space permits the relocation of Federal agencies from leased space into a Government-owned building, ultimately reducing leasing costs. In the cases of the Pittsburgh Post Office-Courthouse and the Sioux City, IA, project vacant postal workspace would be converted for office use. Proposed work in the Varick Street Federal Building in New York would prepare this space for occupancy by the Department of Labor.

The third category of repair and alteration projects is constituted by basic repairs, work essential to the preservation of the value and continued use of significant Federal assets. Work items typically include roof repair or replacement; elevator rehabilitation; structural reinforcement; heating, ventillation, and air conditioning system renovation; and plumbing and electrical system repairs. Included in the basic repairs category are the following buildings at the indicated renovation costs:

Denver, CO, Building No. 810	$8,590,000
Washington, DC, Archives	4,696,000
Washington, DC, Auditors	8,980,000
Washington, DC, Interior	4,131,000
Des Moines, IA, Federal Building	3,038,000
Detroit, MI, Federal parking facility	1,832,000
Detroit, MI, McNamara Federal Building	1,532,000
Kansas City, MO, Federal Building	907,000
Forth Worth, TX, Warehouse No. 5	710,000

In this list, only the McNamara Federal Building is not included in the GSA request for 1985. The committee has added $1,532,000 for repair of the exterior plaza of the McNamara Federal Building in Detroit because postponement of this repair may lead to substantial additional costs. The plaza suffers progressive deterioration with each succeeding winter season.

Only one project falls into the fourth category of the repair and alteration program: Special Program Needs. Naval Intelligence Command No. 1 located in Suitland, MD, requires renovation to convert it to a secure facility for handling classified information. $8,809,000 in obligational authority is needed for this work.

The fifth category of repairs and alterations serves the U.S. courts. As the space requirements of the judiciary increase, it is often necessary to construct new courtrooms and ancillary facilities in existing Federal buildings. There are two projects of this type for inclusion in the fiscal year 1985 program. GSA has found the obligational authority for court-related renovations in the Alexandria Post Office-Courthouse requested as a part of the fiscal year 1983 program to be inadequate to complete the project; $1,370,000 in additional obligational authority has been requested for repairs and alterations for fiscal year 1985.

S. 2635 also includes $1,123,000 for the construction of a new courtroom and related facilities in the Federal Building in Las Vegas, NV. GSA first sent a prospectus describing this project in February 1982, and continued postponement could hamper the work of the judiciary.

The final category of the repair and alteration program, Renovation of Historic Buildings, is occupied by a single project—Blair House. On August 5, 1982, the committee approved a prospectus for the renovation of the Blair House complex for $7,020,000. Reexamination of some of the requirements for building circulation, safety, and guest accommodations has increased the maximum obligational authority required for the project to $9,000,000. GSA received an appropriation for $2,000,000 for fiscal year 1984 and in requesting an additional $6,611,000 in obligational authority for fiscal year 1985—$389,000 for design is included in the aggregate amount requested for design and construction services.

One component of GSA's public building program which is to receive separate funding for the first time in fiscal year 1985 is design and construction services. This component contains all of the costs associated with the design, management, and inspection or repair and alternation or new construction projections. GSA requested $58,227,000 for this purpose. Of this amount $13 million is to design projects for which full construction funding will not be needed until after fiscal year 1985. The bill authorizes $53.6 million for design and construction services, which is $4.6 million less than the budget request. This reduction reflects the belief that GSA should complete important projects which have been delayed before commencing a large number of new projects.

Mr. President, I commend the bill to my colleagues.

Mr. RANDOLPH. Mr. President, I join my colleagues on the Committee on Environment and Public Works in supporting S. 2635, the Public Buildings Authorization Act of 1984. This measure represents the committee's directions to the General Services Administration concerning its conduct of the Public Buildings Program during fiscal 1985.

It also reflects our continuing belief that this program should be subject to annual review and authorization by the full Congress. While the Public Buildings Act of 1959 permits a piecemeal approval of projects at any time during the year, our committee 5 years ago rejected that approach. Since that time the Senate has on three occasions enacted comprehensive legislation which we developed and which would totally restructure the Public Buildings Program. The keystone of that reform is provision for an annual authorization such as that embodied in S. 2635.

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Acquisition of only one building has been completed under the Opportunity Purchase Program although some others are pending. In the past 2 years funds have been shifted from direct Federal construction to the Opportunity Purchase Program. It is important that GSA vigorously pursue this program, for I seriously doubt that the current glut of office space will last for much longer.

Mr. President, I earnestly join with my able colleague from New York [Mr. MOYNIHAN] in offering an amendment to provide $6.5 million for one of the most historic structures in our National Capitol city, the Pension Building. This century-old building was rescued from decades of neglect 3 years ago and steady progress has been made in the early stages of its restoration. It is crucial that we provide the resources to continue this work to restore the Pension Building to its former grandeur.

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The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Authorization Act of 1984".

SEC. 2. No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be made by Congress or obligated by the Administrator unless it has been authorized by Congress in accordance with this Act.

SEC. 3. (a) No public building construction, renovation, repair, or alteration shall be commenced unless an appropriation has first been made in the same fiscal year for which such appropriation is authorized and for the estimated cost of completion of such construction, renovation, repair, or alteration.

(b) Beginning in fiscal year 1986, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over the entire term in such amounts as are specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

SEC. 4. There is hereby authorized to be appropriated for fiscal year 1985 not to exceed in the aggregate the amount of $2,234,302,000 from revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), for the real property management and related activities of the Public Buildings Service of which:

(a) Not to exceed $91,877,000 shall be available for fiscal year 1985 as follows:

(1) For construction of public buildings (including funds for sites and expenses) at the following locations and maximum construction costs:

District of Columbia, Old Post Office (Internal Revenue Service Courtyard)	$2,000,000
Texas, El Paso, Border Station	6,893,000
Washington, Lyden, Border Station	2,386,000
Washington, Sumas, Border Station	4,618,000

(2) $1,000,000 for construction of public buildings of less than ten thousand gross square feet of space;

(3) $3,063,000 for deficit balances relating to fiscal year 1982 construction projects;

(4) $71,917,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Virginia, Newport News, Post Office-Courthouse	$1,700,000
Other selected purchases including options to purchase	70,217,000

(b) Not to exceed $232,904,000 shall be available for fiscal year 1985 as follows:

(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

California, San Francisco Appraiser Stores	$9,711,000
Colorado, Denver, Federal Center numbered 20	6,210,000
Colorado, Denver, Federal Center numbered 810	8,590,000
District of Columbia, Archives	4,696,000
District of Columbia, Auditors	8,980,000
District of Columbia, Blair House	6,611,000
District of Columbia, Health and Human Services, North Building	1,504,000
District of Columbia, Interior	4,131,000
District of Columbia, Pension Building	6,500,000
Iowa, Des Moines, Federal Building	3,083,000
Maryland, Suitland, Naval Intelligence Command numbered 1	8,809,000
Michigan, Detroit, McNamara Federal Building	1,532,000
Michigan, Detroit, parking garage	1,832,000
Nevada, Las Vegas, Federal Building	1,123,000
New York, New York, 201 Varick Street	1,508,000
Pennsylvania, Pittsburgh, Post Office—Courthouse	8,672,000
Pennsylvania, Philadelphia, 5000 Wissahikon Avenue	2,635,000
Virginia, Alexandria, Post Office, Courthouse	1,370,000
Virginia, Arlington, Pentagon	4,602,000

(2) $140,805,000 for renovations and repairs of public buildings at project costs of less than $1,000,000 including the public buildings at the following locations and maximum project costs:

Iowa, Sioux City, Post Office, Courthouse	$809,000
Missouri, Kansas City, 1500 E. Bannister Road	907,000
Texas, Fort Worth, warehouse numbered 5	710,000

(3) $9,000,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000.

(c) Notwithstanding the provisions of section 3(a) of this Act, not to exceed $53,572,000 shall be available for design and construction services.

(d) Not to exceed $865,000,000 shall be available for fiscal year 1985 as follows:

(1) $25,700,000 for rental increases due to lease expirations and for expansion space, and

(2) $839,300,000 for payments in fiscal year 1985 to provide for space under lease prior to fiscal year 1985, including increases in operating costs and taxes.

(e) Not to exceed $694,998,000 shall be available for fiscal year 1985 real property operations.

(f) Not to exceed $117,040,000 shall be available for fiscal year 1985 program direction.

(g) Not to exceed $178,911,000 shall be available for fiscal year 1985 for payment of principal, interest, taxes, and any other obligation for public buildings acquired by purchase contract.

SEC. 5. (a) Funds appropriated under section 4 of the Act for construction, renovation, repair, or alteration shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided,* That construction, renovation, repair, or alteration has commenced in the same fiscal year which funds are made available.

(b) Commencement of design using funds authorized pursuant to section 4(c) of this Act for projects authorized by sections 4(a) and 4(b) shall be regarded as complying with the provisions of subsection (a) of this section.

SEC. 6. Ten per centum of the funds made available pursuant to this Act to the Public Building Service for renovation, alteration, and repair of public buildings and for payment of leases on buildings shall be available for repair or alteration projects and leases, respectively, not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agencies. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME

Mr. BAKER. Mr. President, next, I propose to take up Calendar No. 946, if the minority leader is agreeable.

Mr. BYRD. Mr. President, we have no problem.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 946.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 233) to authorize the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the resolving clause and insert:

TAKING OF TESTIMONY AND RECEIPT OF EVIDENCE

SECTION 1. The Commission established by the President by Executive Order 12435, dated July 28, 1983 (hereinafter in this joint resolution referred to as the "Commission"), may hold hearings. The powers authorized by this resolution shall be limited to the purposes set forth in section 2 of that Executive order. The Commission, or a member of the Commission or member of the staff of the Commission designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence.

SUBPENA POWER

SEC. 2. (a) The Commission, or any member of the Commission when so authorized by the Commission, shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of information relating to a matter under investigation by the Commission. A subpena may require the person to whom it is directed to produce such information at any time before such person is to testify. Such attendance of witnesses and the production of such evidence may be required from any place within the jurisdiction of the United States at any designated place of interview or hearing. A person to whom a subpena issued under this subsection is directed may for cause shown move to enlarge or shorten the time of attendance and testimony, or may move to quash or modify a subpena for the production of information if it is unreasonable or oppressive. In the case of a subpena issued for the purpose of taking a deposition upon oral examination, the person to be deposed may make any motion permitted under rule 26(c) of the Federal Rules of Civil Procedure.

(b)(1) In case of contumacy or refusal to obey a subpena issued to a person under this section, a court of the United States within the jurisdiction of which the person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, may upon application by the Attorney General, issue to such person an order requiring such person to appear before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose, there to give testimony or produce information relating to the matter under investigation, as required by the subpena. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

(2) The Commission is an agency of the United States for the purpose of rule 81(a)(3) of the Federal Rules of Civil Procedure.

(c) Process of a court to which application may be made under this section may be served in a judicial district wherein the person required to be served is found, resides, or transacts business.

TESTIMONY OF PERSONS IN CUSTODY

SEC. 3. A court of the United States within the jurisdiction in which testimony of a person held in custody is sought by the Commission or within the jurisdiction of which such person is held in custody, may, upon application by the Attorney General, issue a writ of habeas corpus ad testificandum requiring the custodian to produce such person before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose.

IMMUNITY

SEC. 4. The Commission is an agency of the United States for the purpose of part V of title 18 of the United States Code.

SERVICE OF PROCESS; WITNESS FEES

SEC. 5. (a) Process and papers issued pursuant to this resolution may be served in person, by registered or certified mail, by telegraph, or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. When service is by registered or certified mail or by telegraph, the return post office receipt or telegraph receipt therefor shall be proof of service. Otherwise, the verified return by the individual making service, setting forth the manner of such service, shall be proof of service.

(b) A witness summoned pursuant to this resolution shall be paid the same fees and mileage as are paid witnesses in the courts of the United States, and a witness whose deposition is taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

ACCESS TO OTHER RECORDS AND INFORMATION

SEC. 6. (a)(1) The investigative activities of the Commission are civil or criminal law enforcement activities for the purposes of section 552a(b)(7) of title 5, United States Code, except that section 552a(c)(3) shall apply after the termination of the Commission.

(2) The Commission is a Government authority, and an investigation conducted by the Commission is a law enforcement inquiry, for the purposes of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq). Any delay authorized by court order in the notice required under that Act shall not exceed the life of the Commission, including any extension thereof. Notwithstanding a delay authorized by court order, if the Commission elects to publicly disclose the information in hearings or otherwise, it shall give notice required under the Right to Financial Privacy Act a reasonable time in advance of such disclosure.

(b) For the purposes of section 2517 of title 18, United States Code, and as limited by subsection (c), the members and members of the staff of the Commission are investigative or law enforcement officers, except that in the case of a disclosure to or by any member or member of the staff of the Commission of any of the contents of a communication intercepted under section 2516(1) of such title, such disclosure may be made only after the Attorney General or the Attorney General's designee has had an opportunity to determine that such disclosure may jeopardize Federal law enforcement interests and has not made that determination, and in the case of a disclosure to or by any member or member of the staff of the Commission of any of the contents of a communication intercepted under section 2516(2) of such title, such disclosure may be made only after the appropriate State official has had an opportunity to make a determination that such disclosure may jeopardize State law enforcement interests and has not made that determination.

(c)(1) A person to whom disclosure of information is made under this section shall use such information solely in the performance of such person's duties for the Commission and shall make no disclosure of such information except as provided for by this joint resolution, or as otherwise authorized by law.

(2) A disclosure or use by a member or a member of the staff of the Commission of the contents of a communication intercepted under chapter 119 of title 18 of the United States Code may be made solely in the course of carrying out the functions of the Commission as such functions were established by Executive Order 12435, dated July 28, 1983.

FEDERAL PROTECTION FOR MEMBERS AND STAFF OF THE COMMISSION

SEC. 7. Conduct, which if directed against a United States attorney would violate section 111 or 1114 of title 18, United States Code, shall, if directed against a member of the Commission or a member of the staff of the Commission, be subject to the same punishments as are provided by such sections for such conduct.

CLOSURE OF MEETINGS

SEC. 8. The functions of the President under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App. 10(d)) shall be performed by the Chairman of the Commission.

RULES AND PROCEDURES OF THE COMMISSION

SEC. 9. (a) The Commission shall adopt rules and procedures (1) to govern its proceedings; (2) to provide for the security of records, documents, information, and other materials in its custody and of its proceedings; (3) to prevent unauthorized disclosure of information and materials disclosed to it in the course of its inquiry; (4) to provide the right to counsel to all witnesses examined pursuant to subpena; and (5) to accord the full protection of all rights secured and guaranteed by the Constitution of the United States.

(b) No information in the possession of the Commission shall be disclosed by any member or employee of the Commission to any person who is not a member or employee of the Commission, except as authorized by the Commission and by law.

(c) The term "employee of the Commission" means a person (1) whose services have been retained by the Commission, (2) who has been specifically designated by the Commission as authorized to have access to information in the possession of the Commission, and (3) who has agreed in writing and under oath to be bound by the rules of the Commission, the provisions of this resolution, and other provisions of law relating to the nondisclosure of information.

EFFECTIVE DATES OF RESOLUTION

SEC. 10. This joint resolution shall take effect on the date of enactment and shall remain in effect until the expiration of the Commission, including any extensions thereof, or two years whichever event occurs earlier.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the bill be advanced to third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 548, which is a companion measure on this subject, and which is at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 548) authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause and insert the text of Senate Joint Resolution 233, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar No. 946, Senate Joint Resolution 233, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF S. 2625 AND S. 2626

Mr. BAKER. Mr. President, if the minority leader can clear this, I propose to sequentially refer S. 2625 and S. 2626.

Mr. BYRD. Mr. President, that matter has been cleared on this side.

Mr. BAKER. Mr. President, I ask unanimous consent that once the Judiciary Committee reports S. 2625, Act for Rewards for Information Concerning Terrorist Acts, and S. 2626, Prohibition Against the Training or Support of Terrorist Organizations Act of 1984, they be sequentially referred to the Foreign Relations Committee for a period not to exceed 30 calendar days, excluding Senate recesses.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT OF SENATE REPORT 98-491

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate Report 98-491 be star printed to reflect changes which I now submit.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT OF S. 2014

Mr. BAKER. Mr. President, I ask unanimous consent that S. 2014 be star printed to italicize material beginning on line 14, page 18, and as otherwise described in the paper which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY BY STAFF OF SENATOR MATHIAS

Mr. BAKER. Mr. President, I have a resolution, for myself and the distinguished minority leader, in respect to authorizing testimony by a staff member of a certain Senator, and I ask unanimous consent that the Senate proceed to the consideration of that resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 406) to authorize testimony by staff of Senator MATHIAS.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, this resolution would authorize five members of the staff of Senator CHARLES McC. MATHIAS, JR., to testify before a Federal grand jury in the district of Maryland in response to a request from the U.S. attorney for that district. The U.S. attorney believes that these members of Senator MATHIAS' staff may have information relevant to an investigation into possible violations of Federal criminal statutes prohibiting impersonation of Government employees. At issue are possible false assertions of employment in Senator MATHIAS' office. At Senator MATHIAS' request, these Senate employees would be authorized to assist the grand jury by testifying concerning all matters that are not privileged.

S. RES. 406

Whereas, the United States Attorney for the District of Maryland has informed Senator Mathias that certain members of his staff may have information relevant to a Federal grand jury investigation in the District of Maryland of possible violations of Federal statutes;

Whereas, the United States Attorney has requested that those members of Senator Mathias' staff provide testimony to the Federal grand jury;

Whereas, the staff members who may have relevant information are Linda Strine, Elsie Simons, Ronalyn Meyer, Dorothy Savage, and Tessa Turner;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judical process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Linda Strine, Elsie Simons, Ronalyn Meyer, Dorothy Savage, and Tessa Turner, are authorized to testify before the Federal grand jury in the District of Maryland in response to the request by the United States Attorney, except concerning matters for which a privilege from testifying should be asserted.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY BY FORMER EMPLOYEE JAY HOWELL

Mr. BAKER. Mr. President, I have now been handed another resolution in respect to authorization of testimony, and I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 407) to authorize testimony by a former employee of the Subcommittee on Investigations and General Oversight of the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, this resolution would authorize a former employee of the Subcommittee on Investigations and General Oversight of the Committee on Labor and Human Re-

sources to testify before a Federal grand jury in the Middle District of Florida in response to a request from the U.S. attorney's office for that district. In the course of subcommittee work in the area of child pornography, the employee became aware of possible criminal violations of Federal child pornography statutes. The current grand jury investigation resulted from the subcommittee's referral of the information it had obtained. At the request of Senator HATCH, the chairman of the committee, and Senator HAWKINS, who chaired the former subcommittee, the former Senate employee would be authorized to assist the grand jury by testifying concerning all matters that are not privileged.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 407) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 407

Whereas, the Office of the United States Attorney for the Middle District of Florida has informed the Committee on Labor and Human Resources that a former employee of the Subcommittee on Investigations and General Oversight of the Committee may have information relevant to a Federal grand jury investigation in the Middle District of Florida of possible violations of Federal statutes;

Whereas, the Office of the United States Attorney has requested that the former employee provide testimony to the Federal grand jury;

Whereas, the former employee who has relevant information is Jay Howell;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees or former employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Jay Howell is authorized to testify before the Federal grand jury in the Middle District of Florida in response to the request from the Office of the United States Attorney, except concerning matters for which a privilege from testifying should be asserted.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, may I inquire of the minority leader if he would be prepared to consider all or any part of the Executive Calendar, and I especially invite his attention to the first four nominations on page 5, which are Calendar Nos. 644, 645, 646, and 647, and Calendar No. 653 on page 6 of today's Executive Calendar.

Mr. BYRD. Mr. President, the four nominations on page 5, beginning with the Executive Office of the President and continuing through the Federal Communications Commission, and the nomination under Calendar No. 653 on page 6, these being the nominations that have been alluded to by the distinguished majority leader, there is no problem on this side.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, then I ask unanimous consent that the Senate now go into executive session for the purpose of considering those nominations.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

EXECUTIVE OFFICE OF THE PRESIDENT

The assistant legislative clerk read the nominations of John P. McTague, of California, and Bernadine Healy Bulkley, of Maryland, to be Associate Directors of the Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The assistant legislative clerk read the nomination of Clyde A. Bragdon, Jr., of California, to be Administrator of the U.S. Fire Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

FEDERAL COMMUNICATIONS COMMISSION

The assistant legislative clerk read the nomination of James H. Quello, of Virginia, to be a Member of the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

THE JUDICIARY

The assistant legislative clerk read the nomination of Franklin S. Billings, Jr., of Vermont, to be U.S. district judge for the District of Vermont.

Mr. STAFFORD. Mr. President, I am delighted to have the opportunity to commend to the Senate the confirmation of Franklin S. Billings, Jr., as a Federal judge for the District of Vermont.

Franklin S. Billings, Jr., has had a distinguished career on both the trial and appellate benches in Vermont. At present, he serves as chief justice of the Vermont Supreme Court.

He will bring great distinction to the Federal bench along with his experience and wisdom and judicial temperment.

In addition to his outstanding judicial service, Justice Billings has given unselfish service to his community, his State, and his country. He has been a village trustee, town agent, selectman, planning commission member, school director, library trustee, and moderator in his hometown of Woodstock, Vt. He was a member of the Vermont House of Representatives and is a former speaker of that body.

When I served as Lieutenant Governor of Vermont, Bill Billings was the secretary of the State senate, and was my executive assistant when I served as Governor of Vermont.

He also served his country with distinction, having been with the 6th Armored Division under the British 8th Army during World War II.

I am proud to have recommended Justice Billings for appointment to the Federal bench, and I have been gratified by President Reagan's nomination of this distinguished Vermonter and by the recommendation of the Judiciary Committee that he be confirmed by the Senate.

I urge my colleagues to vote for the confirmation of Justice Billings as a Federal judge for the District of Vermont.

Mr. LEAHY. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I am happy to yield to my colleague from Vermont.

NOMINATION OF FRANKLIN S. BILLINGS AS FEDERAL JUDGE FOR THE DISTRICT OF VERMONT

Mr. LEAHY. Mr. President, one of the most important responsibilities a U.S. Senator has is the review of nominees for the Federal bench, Federal court judges are ultimately responsible for understanding and interpreting the laws we make here in Congress, whenever citizens decide to go to court to question the meaning or effect of our laws.

It is with this responsibility in mind that I rise to express my pleasure at the nomination of Franklin S. Billings to become a Federal district judge for Vermont. As a member of the Judiciary Committee and a Vermont Senator, I reviewed the committee's file on Justice Billings, and when I was finished my only thought was that I have rarely seen a record of a person so dedicated to public service throughout a career.

I first came to know Justice Billings when he was Speaker of the Vermont House and I was a young attorney just out of law school. His zeal for overseeing a fair and effective legislative process was carried over to Franklin Billings' later duties as a trial judge in Vermont and thereafter as an associ-

ate, and finally Chief Justice of the Vermont Supreme Court.

On the Supreme Court Justice Billings has been a judge's judge. He is scholarly and careful—as any judge should be. But he took to the highest court in Vermont much more. He brought with him practical wisdom, without which the law can often fail to produce justice. He excelled as a trial judge, and that excellence served him well in an appellate review function. He was at home with a trial record and never forgot either the strengths or limits of trial advocacy.

Any judicial system will work best when there is harmony and understanding between the trial and appellate levels of the bench, and during his term as chief justice, he has brought his own broad experience to bear on this delicate relationship—with magnificent results.

As he testified before the Judiciary Committee on June 13, 1984, the trial judge faces many challenges in both the State and Federal judicial systems. But I know that Franklin Billings is very much up to the challenge of serving Vermont on the Federal district bench. Federal laws are often long, complex, and intellectually demanding. He has the qualities to interpret and apply them with wisdom and restraint.

If I were not so personally well acquainted with Franklin, I would still have a very good hunch about his prospects for success because of the history of his predecessor, Judge James S. Holden. Judge Holden also served as Chief Justice of the Vermont Supreme Court before assuming his position on the Federal district court, and he retires with a truly distinguished record of service to the people of the State, to his fellow judges, and to the bar.

Judge Holden will be a formidable example to follow, but I know of no one better suited to the job than Franklin S. Billings. I wish him every success, and know that he will achieve it.

Mr. President, I express my appreciation to both the distinguished majority leader and the distinguished minority leader for helping expedite the confirmation of the Justice Billings or Chief Justice Billings of our State court to now become our Federal district judge in Vermont.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent now that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader for his cooperation.

Mr. BYRD. Mr. President, I thank the majority leader.

VOTING PRACTICES IN THE UNITED NATIONS

Mr. WILSON. Mr. President, American citizens have the right to know that their tax dollars are being spent well and wisely. This is most certainly the case with foreign assistance. The chairman of the Foreign Operations Appropriations Subcommittee [Mr. KASTEN] has provided us with a tool that can assist us in that determination. He is responsible for legislation that requires a report on voting practices in the United Nations, which shows that many nations who purport to be our friends, who are perfectly willing to accept our foreign aid, consistently vote against the United States in the U.N. on matters when their own interests are not at stake, but where ours are.

Mr. President, we provide foreign aid for many reasons, strategic, humanitarian, political. A nation's voting record should not be the only criterion, but it should certainly be taken into account. I commend the Senator from Wisconsin for his actions in this area, and I ask unanimous consent that an editorial on this matter from my hometown newspaper, the San Diego Union, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

U.N. HYPOCRITES

Legislation introduced last year by Sen. Robert Kasten requires the U.S. State Department to keep track of U.N. voting practices and report the results back to Congress. The Wisconsin Republican, who chairs the Senate subcommittee that considers foreign aid requests, suspects that many of our so-called friends, are whipsawing us in the feckless international forum. And the initial U.N. tally confirms his suspicions.

Most of the Third World nations that accept American financial assistance and other preferential treatment from this country have consistently opposed our foreign aid positions in the United Nations. In fact, statistics show they voted against the United States almost 80 percent of the time.

Specifically, these ingrates have resisted U.S. efforts in the United Nations to condemn the Soviet invasion of Afghanistan, preferring instead to pass anemic resolutions calling for the withdrawal of "all foreign troops" from the beleaguered Asian country. Yet many of these Third World delegates denounced the United States for its rescue operation in Grenada. Moreover, they readily invoked a gag rule that prevented the United States or Grenada from even presenting the facts.

Another glaring example of this selective outrage saw the U.N. General Assembly score American assistance to South Africa and El Salvador. Meanwhile, the Security Council couldn't summon the courage to condemn the Soviet Union for shooting down a Korean airliner where 269 innocent lives were lost. Guyana and Zimbabwe—key swing votes in the Security Council, and U.S. foreign aid recipients—refused to support the condemnation.

Clearly, something is wrong when countries accept billions of Americans dollars each year, and then turn around and slap us in the face when the chips are down in a crucial U.N. vote. A conspicuous case in point is Egypt, which annually receives more than $2 billion in U.S. aid and then votes against us 75 percent of the time.

Which brings us back to Sen. Kasten, who says Congress should not only continue to expose this double standard but should scrutinize future foreign aid requests with an eye toward reducing or eliminating assistance to those recipients that regularly oppose us in the U.N. We think this is a splendid idea, inasmuch as it would concentrate the minds of these hypocrites on the consequences of their actions.

THE 40TH ANNIVERSARY OF THE JUNE 6, 1944, D-DAY INVASION

Mr. THURMOND. Mr. President, I recently had the distinct honor of leading the Senate delegation composed of Senator JOHN W. WARNER, Senator LOWELL P. WEICKER, former Senator Howard Cannon, and myself to the ceremonies commemorating the 40th anniversary of the D-day invasion in Normandy, France. We joined the House of Representatives delegation led by Congressman SONNY MONTGOMERY in Paris on June 4, and returned to Washington on June 6, following President Reagan's address at the U.S. Cemetery at Colleville Sur Mer.

Mr. President, as a veteran of that invasion force serving with the 82d Airborne Division, I was touched by the warm welcome given us by our French hosts and their solemn respect for an endeavor that marked the beginning of the end of World War II.

During our stay, we had occasion to visit several of the famous battle sites and participate in ceremonies commemorating the bravery of the thousands of Americans who fought in Normandy. On June 5, we visited Pointe Du Hoc where the 2d Ranger Battalion scaled sheer cliffs under withering German fire. We also visited St. Mere Eglise where men of the 82d Airborne Division participated in some of the most desperate fighting of the entire invasion. This brought back many memories for me because I

landed in a glider on June 6, 1944, just outside the town of St. Mere Eglise. I am sure that this also evoked strong memories for Congressman SAM GIBBONS because he parachuted into Normandy with the 101st Airborne Division on D-day. During the evening of June 5 we participated in the unveiling of a new monument at Utah Beach, dedicated to the men of VII Corps who fought there 40 years ago.

The ceremony at Utah Beach was directed by Brig. Gen. John W. Donaldson, who is the officer-in-charge of the European Office of the American Battle Monuments Commission. Maj. Gen. A.J. Adams, the Secretary of the American Battle Monuments Commission, delivered appropriate introductory remarks.

He was followed by Secretary of the Army, John O. Marsh and Gen. "Lightning Joe" J. Lawton Collins. Both gentlemen spoke eloquently; Secretary Marsh from the vantage point of what the events of 40 years ago say about our commitment to freedom today, and General Collins from the view of the commanding general of VII Corps during the invasion on June 6, 1944.

On June 6, the Senate and House delegations were present at the U.S. Cemetery at Colleville Sur Mer, better known in this country as Omaha Beach, for President Reagan's inspiring address.

Mr. President, any American who visits that cemetery with the more than 9,000 white crosses and Stars of David will be profoundly moved by the experience. It is eloquent testimony about our form of Government—that we fight to liberate and not to conquer—because the only land we asked for were places to bury our honored dead and erect monuments commemorating a valiant struggle.

The people of this country can be proud that we have twice answered the call to protect freedom and help liberate our European friends, and we have twice prevailed. Let us rededicate ourselves to the concept of a strong alliance of the democracies, so that we may never have to pay such a price again.

Mr. President, I ask unanimous consent that President Reagan's remarks, those of Secretary Marsh, General Collins, and General Adams, and a list of the House delegation be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO ASSEMBLED VETERANS AT POINTE DU EOC, CRICQUEVILLE, FRANCE

The PRESIDENT: We're here to mark that day in history when the Allied armies joined in battle to reclaim this continent to liberty. For four long years, much of Europe had been under a terrible shadow. Free nations had fallen, Jews cried out in the camps, millions cried out for liberation. Europe was enslaved and the world prayed for its rescue. Here, in Normandy, the rescue began. Here, the Allies stood and fought against tyranny in a giant undertaking unparalleled in human history.

We stand on a lonely, windswept point on the northern shore of France. The air is soft: but 40 years ago at this moment, the air was dense with smoke and the cries of men and the air was filled with the crack of rifle fire and the roar of cannon. At dawn, on the morning of the 6th of June, 1944, 225 Rangers jumped off the British landing craft and ran to the bottom of these cliffs. Their mission was one of the most difficult and daring of the Invasion: to climb these shear and desolate cliffs and take out the enemy guns. The Allies had been told that some of the mightiest of these guns were here and they would be trained on the beaches to stop the Allied advance.

The Rangers looked up and saw the enemy soldiers, the edge of the cliffs shooting down at them with machine guns and throwing grenades. And the American Rangers began to climb. They shot rope ladders over the face of these cliffs and began to pull themselves up. When one Ranger fell, another would take his place. When one rope was cut, a Ranger would grab another and begin his climb again. They climbed, shot back and held their footing. Soon, one by one, the Rangers pulled themselves over the top and in seizing the firm land at the top of these cliffs, they began to seize back the Continent of Europe.

Two hundred and twenty-five came here. After two days of fighting, only 90 could still bear arms.

Behind me is a memorial that symbolizes the Ranger daggers that were thrust into the top of these cliffs. And before me are the men who put them there.

These are the boys of Pointe du Hoc. (Applause.) These are the men who took the cliffs. These are the champions who helped free a continent. These are the heroes who helped end a war.

Gentlemen, I look at you and I think of the words of Stephen Spender's poem. You are men who in your "lives fought for life . . . and left the vivid air signed with your honor."

I think I know what you may be thinking right now: Thinking "we were just part of a bigger effort: everyone was brave that day." Well, everyone was. Do you remember the story of Bill Millin of the 51st Highlanders? Forty years ago today, British troops were pinned down near a bridge, waiting desperately for help. Suddenly, they heard the sound of bagpipes, and some thought they were dreaming. Well, they weren't. They looked up and saw Bill Millin with his bagpipes, leading the reinforcements and ignoring the smack of the bullets into the ground around him.

Lord Lovat was with him—Lord Lovat of Scotland who calmly announced when he got to the bridge: "Sorry I'm a few minutes late," as if he'd been delayed by a traffic jam, when in truth he'd just come from the bloody fighting on Sword Beach which he and his men had just taken.

There was the impossible valor of the Poles who threw themselves between the enemy and the rest of Europe as the invasion took hold. And the unsurpassed courage of the Canadians who had already seen the horrors of war on this coast. They knew what awaited them there, but they would not be deterred. And once they hit Juno Beach, they never looked back.

All of these men were part of a rollcall of honor with names that spoke of a pride as bright as the colors they bore: The Royal Winnipeg Rifles, Poland's 24th Lancers, the Royal Scots Fusiliers, the Screaming Eagles, the Yeomen of England's armored divisions, the forces of Free France, the Coast Guard's "Matchbox Fleet" and you, the American Rangers.

Forty summers have passed since the battle that you fought here. You were young the day you took these cliffs; some of you were hardly more than boys, with the deepest joys of life before you. Yet, you risked everything here. Why? Why did you do it? What impelled you to put aside the instinct for selfpreservation and risk your lives to take these cliffs? What inspired all the men of the armies that met here?

We look at you, and somehow we know the answer. It was faith and belief; it was loyalty and love.

The men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead—or on the next. It was the deep knowledge, and pray God we have not lost it, that there is a profound, moral difference between the use of force for liberation and the use of force for conquest. You were here to liberate, not to conquer, and so you and those others did not doubt your cause. And you were right not to doubt.

You all knew that some things are worth dying for, one's country is worth dying for; and democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man. All of you loved liberty; all of you were willing to fight tyranny; and you knew the people of your countries were behind you.

The Americans who fought here that morning knew word of the Invasion was spreading through the darkness back home. They fought—or felt in their hearts, though they couldn't know in fact, that in Georgia they were filling the churches at 4:00 a.m., in Kansas they were kneeling on their porches and praying, and in Philadelphia they were ringing the Liberty Bell.

Something else helped the men of D-Day: Their rockhard belief that Providence would have a great hand in the events that would unfold here; that God was an ally in this great cause. And, so, the night before the Invasion, when Colonel Wolverton asked his parachute troops to kneel with him in prayer he told them. Do not bow your heads but look up so you can see God and ask His blessing in what we're about to do. Also that night, General Matthew Ridgway on his cot, listening in the darkness for the promise God made to Joshua: "I will not fail thee nor forsake thee."

These are the things that impelled them; these are the things that shaped the unity of the Allies.

When the war was over, there were lives to be rebuilt and governments to be returned to the people. There were nations to be reborn. Above all, there was a new peace to be assured. These were huge and daunting tasks. But the Allies summoned strength from the faith, belief, loyalty and love of those who fell here. They rebuilt a new Europe together.

There was first a great reconciliation among those who had been enemies, all of whom had suffered so greatly. The United States did its part, creating the Marshall Plan to help rebuild our allies and our former enemies. The Marshall Plan led to the Atlantic Alliance—a great alliance that

serves to this day as our shield for freedom, for prosperity, and for peace.

In spite of our great efforts and successes, not all that followed the end of the war was happy, or planned. Some liberated countries were lost. The great sadness of this loss echoes down to our own time in the streets of Warsaw, Prague, and East Berlin. Soviet troops that came to the center of this continent did not leave when peace came. They're still there, uninvited, unwanted, unyielding, almost 40 years after the war.

Because of this, allied forces still stand on this continent. Today, as 40 years ago, our armies are here for only one purpose—to protect and defend democracy. The only territories we hold are memorials like this one and graveyards where our heroes rest.

We in America have learned bitter lessons from two world wars: It is better to be here ready to protect the peace, than to take blind shelter across the sea, rushing to respond only after freedom is lost. We've learned that isolationism never was and never will be an acceptable response to tyrannical govenments with an expansionist intent.

But we try always to be prepared for peace; prepared to deter aggression; prepared to negotiate the reduction of arms; and, yes, prepared to reach out again the spirit of reconciliation. In truth, there is no reconciliation we would welcome more than a reconciliation with the Soviet Union, so together, we can lessen the risks of war, now and forever.

It's fitting to remember here the great losses also suffered by the Russian people during World War II: 20 million perished, a terrible price that testifies to all the world the necessity of ending war. I tell you from my heart that we, in the United States do not want war. We want to wipe from the face of the earth the terrible weapons that man now has in his hands. And I tell you, we are ready to seize that beachhead—we look for some sign from the Soviet Union that they are willing to move forward, that they share our desire and love for peace, and that they will give up the ways of conquest. There must be a changing there that will allow us to turn our hope into action.

We will pray forever that some day that changing will come. But for now, particularly today, it is good and fitting to renew our commitment to each other, to our freedom, and to the alliance that protects it.

We are bound today by what bound us 40 years ago, the same loyalties, traditions, and beliefs. We're bound by reality. The strength of America's allies is vital to the United States, and the American security guarantee is essential to the continued freedom of Europe's democracies. We were with you then; we are with you now. Your hopes are our hopes, and your destiny is our destiny.

Here, in this place where the West held together, let us make a vow to our dead. Let us show them by our actions that we understand what they died for; let our actions say to them the words for which Matthew Ridgway listened: "I will not fail them nor forsake thee."

Strengthened by their courage, heartened by their valor, and borne by their memory, let us continue to stand for the ideals for which they lived and died.

Thank you very much and God bless you all. (Applause.)

TEXT OF REMARKS BY THE PRESIDENT AT UNITED STATES-FRENCH CEREMONY COMMEMORATING D-DAY AT OMAHA BEACH, COLLEVILLE SUR MER, FRANCE

We stand today at a place of battle, one that 40 years ago saw and felt the worst of war. Men bled and died here for a few feet or inches of sand as bullets and shellfire cut through their ranks. About them, General Omar Bradley later said: "Every man who set foot on Omaha Beach that day was a hero."

No speech can adequately portray their suffering, their sacrifice, their heroism. President Lincoln once reminded us that—through their deeds—the dead of battle have spoken more eloquently for themselves than any of the living ever could, that we can only honor them by rededicating ourselves to the cause for which they gave a last full measure of devotion.

Today, we do rededicate ourselves to that cause. And at this place of honor, we are humbled by the realization of how much so many gave to the cause of freedom and to their fellow man.

Some who survived the battle on June 6, 1944, are here today. Others who hoped to return never did.

"Someday, Lis, I'll go back," said Private First Class Peter Robert Zanatta, of the 37th Engineer Combat Battalion, and first assault wave to hit Omaha Beach. "I'll go back and I'll see it all again. I'll see the beach, the barricades, and the graves."

Those words of Private Zanatta come to us from his daughter, Lisa Zanatta Henn, in a heart-rendering story about the event her father spoke of often: The Normandy Invasion would change his life forever," she said.

She tells some of his stories of World War II, but says for her father "the story to end all stories was D-Day."

"He made me feel the fear of being on that boat waiting to land. I can smell the ocean and feel the seasickness. I can see the looks on his fellow soldiers' faces, the fear, the anguish, the uncertainty of what lay ahead. And when they landed, I can feel the strength and courage of the men who took those first steps through the tide to what must have surely looked like instant death."

Private Zanatta's daughter says: "I don't know how or why I can feel this emptiness, this fear, or this determination, but I do. Maybe it's the bond I had with my father . . . All I know is that it brings tears to my eyes to think about my father as a 20 year old boy having to face that beach."

The anniversary of D-Day was always special for her family; and like all the families of those who went to war, she describes how she came to realize her own father's survival was a miracle.

"So many men died. I know that my father watched many of his friends be killed. I know that he must have died inside a little each time. But his explanation to me was 'You did what you had to do and you kept on going.' "

When men like Private Zanatta and all our Allied forces stormed the beaches of Normandy 40 years ago, they came not as conquerors, but as liberators. When these troops swept across the French countryside and into the forests of Belgium and Luxembourg, they came not to take, but to return what had been wrongly seized. When our forces marched into Germany, they came not to prey on a brave and defeated people, bu to nurture the seeds of democracy among those who yearned to be free again.

We salute them today. But, Mr. President, we also salute those who, like yourself, were already engaging the enemy inside your beloved country—the French Resistance. Your valiant struggle for France did so much to cripple the enemy and spur the advance of the armies of liberation. The French Forces of the Interior will forever personify courage and national spirit; they will be a timeless inspiration to all who are free, and to all who would be free.

Today, in their memory, and for all who fought here, we celebrate the triumph of democracy. We reaffirm the unity of democratic peoples who fought a war and then joined with the vanquished in a firm resolve to keep the peace.

From a terrible war, we learned that unity made us invincible; now, in peace, that same unity makes us secure. We sought to bring all freedom-loving nations together in a community dedicated to the defense and preservation of our sacred values. Our alliance, forged in the crucible of war, tempered and shaped by the realities of the post-war world, has succeeded. In Europe, the threat has been contained, the peace has been kept.

Today, the living here assembled—officials, veterans, citizens—are a tribute to what was achieved here 40 years ago. This land is secure. We are free. These things were worth fighting—and dying—for.

Lisa Zanatta Henn began her story by quoting from her father, who promised he would return to Normady. She ended with a promise to her father, who died 8 years ago of cancer: "I'm going there . . . Dad, and I'll see the beaches and the barricades and the monuments. I'll see the graves and I'll put flowers there just like you wanted to do . . . I'll feel all the things you made me feel through your stories and your eyes. I'll never forget what you went through, Dad, nor will I let anyone else forget—and Dad, I'll always be proud."

Through the words of his loving daughter—who is here with us today—a D-Day veteran has shown us the meaning of this day far better than any President can. It is enough for us to say about Private Zanatta and all the men of honor and courage who fought beside him four decades ago: We will always remember. We will always be proud. We will always be prepared, so we may always be free.

REMARKS BY THE HONORABLE JOHN O. MARSH, JR., SECRETARY OF THE ARMY

We are grateful to France for the gift of land so we might place here this memorial to a common endeavor.

There is a stillness about a battlefield where great causes were fought. President Lincoln spoke of it at Gettysburg and called it "hollowed ground."

Those who fought here and lived shall age. But the agelessness of those who died here is a spirit we sense. It carries us back in time to days when we were young.

Stillness and tranquility prevail in marked contrast to battle. An attitude of reverence comes naturally. We talk in quieter tones and move less swiftly. This is the tribute beneficiaries give even when only dimly aware of causes decided by others. But knowing some debt for their resolution is owing.

For mile after mile along this coast a price was paid by those who waded with a rising tide from the English Channel to gain a foothold and by those nearby who in darkness before dawn made their assault from the French skies.

This monument stands not just as a tribute to their deeds to remember, but as a memory to youth that did not grow old.

It stands here on the shores of France, in the Province of Normandy, to vouchsafe my Country's commitment to a great cause.

We sought no empire, nor the lands of others, save but a place of ground near the beaches where they fell, and there to bury our dead,—like Flanders, Freedom's silent requiem.

In victory we unleashed no vengence upon our foe. Rather we helped rebuild a ravaged land.

It stands both as a pledge to the values of our past, and to our hope for the future.

To a world that is at peace—to a world that is guided by truth—to a world that is free.

This pledge of values and hope, this great Army, and my Country will defend.

When this occasion is past, and we have gone, and tides ebb and flow,

When the sounds of the Channel are the only sounds in a place of beauty and loneliness.

When the cry of the gulls and the winds across the sands break the stillness of a battleground.

Then the waves that wash gently on the beaches of Normandy will remain an everlasting tribute to what my Countrymen did here.

REMARKS BY J. LAWTON COLLINS, USA (RET.)

No words can adequately embellish the memory of the sacrifice which our brothers in arms made here. Many brave men landed on these shores: They knew that they faced danger, and were willing to suffer injury or death for the ideals of freedom. We came to assist in liberating France of oppression. This brave and good nation gave generously of its men and treasure in the cause of American independence. French men of arms under General La Fayette and Admiral De Grasse, stood together with Washington at Yorktown, where the final battle of America's freedom was fought. We have never forgotten that, and we have tried since to repay that debt with interest. I believe that the men who died here have an honored place in heaven. They were immersed in waters of the channel, fought bravely in a just cause, and gave their lives so that we might enjoy the blessings of liberty. We cannot embellish the memory of their sacrifice with mere words. We can only keep it bright and alive in our hearts and pass it on to future generations. Vive La Liberte! Vive La France!

GENERAL ADAMS REMARKS AT UTAH BEACH

Mr. Ambassador, Secretary Marsh, General Collins and Distinguished Guests.

This new federal monument at Utah Beach in Normandy, France is our nation's tribute to those who landed here 40 years ago—their leader General J. Lawton Collins and the men of VII Corps and those of the Navy and Air Force who supported the operation.

I want to take this opportunity to acknowledge the dedicated efforts of the European Office of the American Battle Monuments Commission who caused our plans to become reality: To General John Donaldson for his leadership; to Colonel Jacques Cordonnier and his staff for their engineering effort; and to Mr. Jean Chatard for his horticultural guidance.

The construction program from beginning to end, to include the detailed coordination with the local mayors and citizens, was the responsibility of Mr. Phil Rivers, Superintendent of the Normandy American Cemetery.

Lastly, I would like to thank the French Government and General Imbot, Chief of Staff of the French Army, for assisting us in today's dedication.

Thank you.

HOUSE DELEGATION

Rep. G. V. (Sonny) Montgomery (D-MS), Chairman.
Rep. Ike Andrews (D-NC).
Rep. Robert E. Badham (R-CA) and wife, Anne.
Rep. Tom Bevill (D-AL) and wife, Lou.
Rep. Beverly B. Byron (D-MD).
Rep. Sam Gibbons (D-FL) and wife, Martha.
Rep. Sam B. Hall, Jr. (D-TX) and wife, Madeleine.
Rep. John Paul Hammerschmidt (R-AR) and wife, Virginia.
Rep. Marjorie S. Holt (R-MD) and husband, Duncan.
Rep. Tom Lantos (D-CA) and wife, Annette.
Rep. Delbert Latta (R-OH) and wife, Rose Mary.
Rep. John T. Myers (R-IN) and wife, Carol.
Rep. Bill Nichols (D-AL) and wife, Carolyn.
Rep. Harold Rogers (R-KY) and wife, Shirley.
Rep. Toby Roth (R-WI) and wife, Barbara.
Rep. Sam Stratton (D-NY).
Rep. Chalmers P. Wylie (R-OH) and wife, Marjorie.
Rep. Robert A. Young (D-MO).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONSUMER PRODUCTS SAFETY COMMISSION RECOGNITION DAY

Mr. THURMOND. Mr. President, on May 11, 1984, the Consumer Products Safety Commission held its annual "Recognition Day" ceremony. Under the very capable leadership of its distinguished Chairman, Nancy Harvey Steorts, the Commission has made remarkable progress toward the goal of safer products in the marketplace.

On this most recent "Recognition Day," Chairman Steorts described several outstanding accomplishments by the Commission during the past year. Among these are a highly successful liaison with voluntary standards groups; systematic handling and processing of consumer complaints; correction of defects and improvement of products through recalls; and, development of a cooperative education system to disseminate product information to consumers.

Mr. President, these are but a few of the accomplishments of the Consumer Products Safety Commission which Chairman Steorts addressed in her remarks on the recent "Recognition Day." It is gratifying to see a Government agency carry out its mission in an effective, cooperative and reasonable manner. In order that other interested persons may have an opportunity to review the work of the Consumer Product Safety Commission during the past year, I ask unanimous consent that a copy of the statement by Chairman Steorts be included in the RECORD and I commend it to my colleagues.

The statement follows:

RECOGNITION DAY STATEMENT

(By Chairman Nancy Harvey Steorts)

INTRODUCTION

It is indeed a pleasure to once again be a part of the U.S. Consumer Product Safety Commission's Recognition Day ceremonies. This event, I feel, has been a highlight of each year's activities. This is the time of year we focus on you, our dedicated, outstanding employees.

Next on the program we will be presenting this year's special awards. The Commission has reason to be very proud of each of you. It is always most difficult to make the selection as CPSC has in its family 613 outstanding employees, all of whom are working diligently on the mission of safer products in the marketplace.

BACKGROUND

Since becoming Chairman, I have seen vast changes in this agency—changes in attitude, philosophy and spirit. These changes have resulted in an impressive list of accomplishments.

I am well aware that it was a very unsettling time for the agency about I came on board. The reduction in budget and the subsequent reduction in personnel were difficult, however, I think we all accepted the challenge and a new beginning was realized.

When I went before the Senate Committee on Commerce, Science and Transportation for my nomination hearings I carefully laid out my plans for revitalizing this Commission, and making it an agency to be revered by all. Much of this has been carried out through the dedicated efforts of this collegial body.

Looking back four of these stand out in my mind. At that time in 1981, I said,

1. "We must remember that our resources are very limited and therefore we should analyze the entire program and focus only on those areas which truly pose an unreasonable risk of injury."

This has been accomplished through reorganization and a more careful analysis of activities.

2. "It is critical that CPSC set a few appropriate priorities and proceed to move in those situations where the marketplace has not been able to resolve the problem itself."

This has been accomplished through the establishment of a priority setting process that limits fully-funded projects to those which are totally viable.

3. "There is an important distinction to be made between a strong and effective information and education program versus regulation by press release, or the dissemination of inaccurate, misleading or confidential data."

This has been accomplished through the establishment of a strong media office that fully backgrounds the press on Commission activities, the development of a final rule on 6(b), and the creation of effective education and information programs.

4. And finally, "There is a need to work with industry in a cooperative manner rather than in an adversarial environment."

This, too, has been accomplished. There is now an understanding that it is far easier for the Commission to work with industry than against, just as it is important for industry to work with us instead of against us.

You, each of you, should be pleased with your accomplishments. Working together as a team we have been able to achieve much. You should also be proud of the many project accomplishments that have occurred over the past few years.

ACCOMPLISHMENTS

What are some of our accomplishments which have made the Consumer Product Safety Commission the Number 1 agency it is?

Voluntary standards

A close working relationship has been established between this agency and all of the major voluntary standards groups which has resulted in the development or improvement of more than 40 different consumer products. Here are some highlights.

Chain Saws.—Currently out for public comment, this standard should nearly eliminate kickback fatalities and reduce injuries. Already 80 percent of the consumer chain saws now being produced meet the standard.

UFAC.—Again, after years of work the Commission and the Upholstered Furniture Industry have developed a cooperative working arrangement to improve the fire safety of furniture. Effective July 1, 1983, UFAC introduced new requirements covering improved welt cords and interior fabrics. UFAC's goal is that over 80 percent of new furniture be resistant to cigarette ignition.

Electric Blankets.—Because of a series of tests conducted by the Engineering Sciences staff several substantial improvements were made in the design of electric blankets. There is 100 percent Compliance in this field.

ANSI/CPSC.—A coordinating committee for the American National Standards Institute and the Commission was established. This committee has served as a unique and invaluable mechanism for improving the overall support of the voluntary standards process.

A process to handle consumer complaints

For the first time since the Commission was formed all consumer complaints and completed investigations are now shared with individual manufacturers to ensure they are aware of information the Commission has on their products. In addition, a consumer complaint confirmation process has been implemented to improve the reliability of this information.

Protecting the consumer through recalls

During the past decade, CPSC has received 1,337 reports of possible safety defect from manufacturers, distributors and retailers. These reports have resulted in 1,284 recalls or other corrective action involving more than 204 million product units, most of which have been arranged through voluntary cooperation with industry.

During the last three years, the Product Safety Assessment function within the Emerging Hazards Programs has responded to more than 1000 requests for the evaluation of individual brands of consumer products.

Outreach issued twenty-four "safety-alerts" on recalls and other products hazards that have been produced and distributed across the country.

Important Recalls:

Indoor Gym House.—Creative Playthings replaced as many as 200,000 Gym House Ladders after three children had strangled on the top step.

Crib Headboards.—Because two models of Bassett cribs were involved in seven deaths the manufacturing firm agreed to an extensive recall between 1978-1980. After learning of two additional deaths during 1983, the company agreed to a second effort to notify the public.

Promotional Toys.—On October 26, 1982 the Commission received a complaint about a possible choking hazard from some Playmobil toys that were being distributed by McDonald's. After discussions, the company agreed to halt distribution and 30 million items were recalled almost overnight.

Advanced budget handling

Over the last few years this directorate has automated its budget/planning process and allowance notice system. It has prepared the extensive support material for the budget hearings and done superior work developing Commission Budget and Operating plans.

Creative education and information

Over the past few years an emphasis has been placed on cooperative, industry/Commission coordinated programs and other specialized programs to get consumer product safety information out to the appropriate American citizens.

Holiday Toy Safety Campaigns.—For each of the past three years, the Commission has worked closely with the Toy Manufacturers of America to sponsor a joint National Holiday Toy Safety Campaign just prior to the holiday season.

Poison Prevention.—In addition to a highly successful national awareness campaign during Poison Prevention Week, the Commission, through its Regional Offices, sponsored 39 Pharmacist Seminars.

Chemicals in Schools.—In collaboration with the Council of State Science Supervisors, 50,000 copies of a booklet on chemical hazards in school laboratories have been distributed to high school science labs.

Electrical Safety.—The 1984 National Electrical Safety Awareness campaign, the first of its kind, was created through the cooperative efforts of a 30-member industry committee, the Commission and the General Federation of Women's Clubs. Approximately 550,000 copies of the electrical audit checklist were printed and distributed in the first 3 months of the program.

Smoke Detector Program.—It is estimated that over 2,237,000 smoke detectors have been given away or sold since the Commission initiated its collaborative efforts in October 1982 with state-and-local government and private organziations.

Laboratory Tours.—The Engineering laboratory has conducted more than 100 tours for consumers, consumer groups, industry, State and local Government officials, congressional staff, media and schools, illustrating priority projects and consumer product safety testing.

Conferences—During the past three years the Commission has held two National Product Safety Conferences. The first of its kind, the 1982 conference brought together approximately 400 industry and consumer-leaders, and the 1984 conference brought together a cross-section of public and private groups, focusing on state/local government activities. The theme for each was cooperation and working together for product safety.

Health sciences

In the area of Chemical Hazards, the Commission has been involved in three significant areas.

Indoor Air Quality—This active program has investigated combustion products of unvented gas and kerosene heaters which led to a voluntary standard on emissions for kerosene heaters. It also conducted a study of 40 homes in Oak Ridge, Tennessee which has provided information on general indoor air pollution.

Formaldehyde—Not only did the Commission lead interagency activities on the evaluation of health effects of formaldehyde, it has worked with other agencies on exposure data and health effects information, caused the reduction of use of this substance in school biology laboratories, and greatly diminished future exposure of consumers to formaldehyde from UFFI.

Nitrosamines and DEHP—These two potent animal carcinogens that are used in childrens products have been under investigation by the Commission. Industry has been voluntarily cooperating to lower nitrosamines and the Commission plans to convene a CHAP, Chronic Hazard Advisory Panel, on DEPH.

Improved administration

There has been increased staff productivity through automation. For example, our automated personnel system and property managment system are touted by the Office of Management and Budget as "models" for other agencies.

CPSC was the first agency to receive approval under the new guidelines for its Commission Accounting System.

Administration has also achieved substantial reduction in the Common Cost budget which resulted in a saving of $406,000 in rent; $117,000 in telephone; $110,000 in periodicals and subscription; and $165,000 in postage.

Efficient economic support

The Directorate of Economic Analysis has consistantly provided studies, reports, data and impact analyses and other backup work that has helped in rule making, voluntary standards, and recall actions.

Of particular interest is the development of a specially formatted computer data base incorporating existing CPSC chemical data with that of NIOSH and the Clinical Toxicology of Commercial Products. This system provides information on chemicals in consumer products.

Significant legal and compliance actions

The Office of General Counsel drafted and issued a final rule implementing information disclosure procedures under section 6(b) of the Consumer Product Safety Act. The rule analyzed the comments of over 30 major manufacturers and consumer groups.

Following the Chicago Tylenol poisonings the Food and Drug Administration implemented a requirement that over-the counter drugs have tamper-resistant packaging. The Commission tested these new package designs. Preliminary tests showed they did not meet our standard for Child Resistant Closures. When informed of this the McNeil Company and the parent firm Johnson & Johnson suspended manufacture. Then after meeting with CPSC changed the cap so it would meet our standards.

The Commission has agreed to a settlement in a major timeliness action against Robertshaw for failing to report a defect in its Unitrol control valves. The Company has agreed not only to pay a $90,000 penalty but

to pay a $50 bounty for any Unitrol valve and $100 bounty for defective valves.

The Commission filed a timeliness action against Honeywell seeking a $1.5 million civil penalty, the largest ever requested by the Commission. The case alleges that Honeywell failed to report defect in a combination control valve used on LP gas furnaces.

The Commission initiated an administrative action against Sears Roebuck and Company and the Roger Company alleging 220,000 garden roto tillers presented a substantial product hazard by locking in reverse. In February 1983, in a joint press release the Commission and the firms announced a settlement including an expanded advertising campaign.

Field

The Regional offices have provided outstanding cooperation. It is well-managed, and has made significant achievement to the Commission's compliance, investigation and outreach activitives.

SUMMARY

What do all these accomplishments mean? Simply, that because of this Commission the American citizen has safer products in his or her life. For this coming year and years after, I predict that this safety factor will continue to increase.

In addition to the work of this Commission, there is a new sense of cooperation developing in the marketplace among manufacturers, retailers and consumers. It's an important partnership.

From a profit point of view, it no longer pays to put together an unsafe product and face the possibility of lawsuits and mandatory regulation including years of legal hassles. For the same reason, retailers don't want unsafe products on their shelves. And obviously, consumers want to know that the products they use and put into their children's hands won't cause harm. Product safety has become good business and it's everybody's business. Product safety today is becoming institutionalized.

The Commission was lauded for its work last year by President Reagan, who said, "The Tenth anniversary of the Consumer Product Safety Commission provides me with a most welcome opportunity to commend its contribution to making consumer products more safe and increasing the well-being of their users."

THE FUTURE

Today the Consumer Product Safety Commission is a stable, viable agency filled with outstanding, professional people and based on a good collegial system. This is the basis for a real team that believes that together we can make a safer marketplace. In the future I expect that there will be even more challenges, new ideas, new approaches.

It is my pleasure and honor to serve as your Chairman and to work with such a distinguished group of colleagues. Thank you for your support.

IN RECOGNITION OF BALTIC FREEDOM DAY

Mr. BYRD. Mr. President, on August 23, 1939, two dictators signed a secret treaty. In that document, Stalin and Hitler agreed that the Baltic States would belong to the Soviet "sphere of influence."

Shortly after the outbreak of World War II, "mutual assistance pacts" were forced on Latvia, Estonia, and Lithuania, citing the prevention of allowing the Baltic area to become a base of operations for Great Britain as their raison d'etre. These pacts granted the Soviet Union rights of maintenance of ports and military facilities in the Baltic States, but contained specific assurances that the parties to the agreements would respect each other's sovereignty regarding internal affairs.

On June 14, 1940, the Lithuanian Prime Minister was called to Moscow and presented with an ultimatum. The Soviet Union had assembled some 600,000 Red army troops on the borders of Latvia, Estonia, and Lithuania. Thus were the political independence, territorial integrity, and way of life of the peoples of the Baltic States destroyed.

The year that spanned June 1940, and June 1941, was one of terror for the peoples of the Baltic States. Arrests began immediately in June 1940, and thousands were murdered outright. Prisoners not executed were transferred to "slave labor" camps in the Soviet Union.

Baltic "enemies of the people" included members of farmers' unions, owners of businesses, real estate owners, active staff of newspapers and magazines, clergymen and active members of religious organizations, public officials, judges, and lawyers. All of these and often the members of their families were destined for the bleakest regions of the Soviet outland.

Many people simply disappeared, summoned to interrogations or called by supervisors to their places of employment, never to be heard from again. Some were snatched in full public view, while others were awakened by a knock on the door in the dead of night and spirited away from their families forever. The mass deportations had the objectives of removing all leaders and intellectuals from the captive nations, breaking the back of any resistance movement, and physically and spiritually weakening the nations. The huge mass deportations began during the night of June 14, 1941. Cattle wagons and stock cars awaited the deportees. The people were crammed together so that they could scarcely move, and a hole in the floor served as a toilet. In Estonia, some 60,000, in Latvia, over 34,000, and in Lithuania 75,000 people were murdered, arrested or deported in 1940-41.

Despite the terrifying brutality unleashed on these small Baltic States, there was resistance. But, the deportations had so successfully depleted and devastated the populations that it could not triumph.

From July 1941 to October 1944, the Baltic States were occupied by German forces, after the German attack on the Soviet Union, and were ruled by a provisional German Government. After reconquest of the Baltic States by Soviet forces, the Soviet regimes were again installed in the countries, and deportations were begun, again. During the period 1945-1952, over 500,000 more citizens of the Baltic States were deported to the Soviet Union.

The Baltic peoples were the first in the free world to see the unmasked face of Communist brutality and disregard for the sovereignty of nations and the sanctity of human life. They were not the last. Most recently, we have seen again that brutal face unmasked in the hills of Afghanistan. Like the brave people of the Baltic States, the spirit of the Afghan freedom fighters cannot be crushed, despite the occupation of their homelands, and the murder of their populations.

It is fitting that we stop and reflect, today, 44 years after the Soviet-initiated deportations and murder of the peoples of the Baltic States, on the spirit of freedom that still permeates those sons and daughters of Latvia, Estonia, and Lithuania, and their descendants in America, Canada, Australia, and in the other countries of the world to which many of them sought refuge. The passage of time does not right a wrong nor legitimize what is illegitimate and abhorrent in terms of human decency. By remembering these tragic events today, we are reminded of our special place in the world as the ultimate beacon of hope to all captive peoples, and we join with them in their struggle to resist tyranny.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SYMMS, from the Committee on Environment and Public Works, with amendments:

S. 2527. A bill to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes (Rept. No. 98-524).

By Mr. SYMMS, from the Committee on Environment and Public Works, without amendment:

S. Res. 408. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2527.

S. Res. 409. Resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2527.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 1578. A bill to clarify the application of the Federal antitrust laws to local governments.

By Mr. SYMMS, from the Committee on Environment and Public Works, without amendment:

S.J. Res. 312. Joint resolution to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 2769. A bill to amend section 1464 of title 18, United States Code, relating to broadcasting obscene language, and for other purposes; to the Committee on the Judiciary.

By Mr. MELCHER (for himself and Mr. ABDNOR):

S. 2770. A bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. DENTON):

S. 2771. A bill to protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2772. A bill to abolish the U.S. Synthetic Fuels Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SYMMS, from the Committee on Environment and Public Works:

S.J. Res. 312. An original joint resolution to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes; placed on the calendar.

By Mr. GARN (for himself, Mr. PROXMIRE, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. CHILES, Mr. CRANSTON, Mr. D'AMATO, Mr. DODD, Mr. EXON, Mr. GORTON, Mrs. HAWKINS, Mr. HECHT, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEAHY, Mr. LUGAR, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. TRIBLE, Mr. TSONGAS, Mr. TOWER, Mr. WEICKER, and Mr. WILSON):

S.J. Res. 313. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 406. Resolution to authorize testimony by staff of Senator MATHIAS; considered and agreed to.

S. Res. 407. Resolution to authorize testimony by former employee of Subcommittee on Investigations and General Oversight of Committee on Labor and Human Resources; considered and agreed to.

By Mr. SYMMS, from the Committee on Environment and Public Works:

S. Res. 408. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2527; to the Committee on the Budget.

S. Res. 409 An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2527; to the Committee on the Budget.

By Mr. BAKER (for Mr. HEINZ (for himself, Mr. GLENN, Mr. DOMENICI, Mr. GRASSLEY, Mr. WARNER, Mr. PERCY, Mr. HOLLINGS, Mr. SARBANES, Mr. CHILES, and Mr. PRESSLER)):

S. Con. Res. 124. A concurrent resolution expressing the sense of the Congress that the Senior Companion Program be commended on its 10th anniversary for its success in providing volunteer opportunities for older Americans; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. DENTON):

S. 2771. A bill to protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony; to the Committee on the Judiciary.

USE OF A FIREARM TO COMMIT A FELONY BY A DIPLOMAT

● Mr. DENTON. Mr. President, I rise today to join my distinguished colleague from Pennsylvania, Senator SPECTER, as cosponsor of a bill that will help to protect the people of the United States against terrorist acts by making it unlawful for a foreign diplomat to use a firearm to commit any act constituting a felony under Federal or State criminal law.

I deplore the fact that the bill is even necessary. Until recently, the general conduct of and toward diplomats was of the highest order. Unfortunately, however, certain foreign countries no longer wish their diplomats to conduct themselves in accordance with the responsibilities, privileges, and immunities provided by the Vienna Convention.

Five years ago, Iran held 52 of our diplomats captive for 444 days. Our embassies abroad have been the targets of violent terrorist attacks. The atrocious, despicable act that led Senator SPECTER and me to introduce the bill was the machinegun killing in London, by a supposed Libyan diplomat inside the Libyan Embassy, of a British policewoman. Eleven people who were peacefully demonstrating outside the Embassy were wounded in the same hail of gunfire.

The British were powerless to do anything but let the murderer leave the country, because he was protected by the diplomatic immunity afforded by the Vienna Convention. But as the Dothan Eagle, a paper in my home State of Alabama, pointed out in an editorial at the time of the London incident:

The Vienna Convention was for gentlemen. The rulers of nations of the likes of Libya, Cuba, Iran, Nicaragua, Bulgaria and, yes, Russia are not gentlemen, hence they do not play by the rules.

Because the rules are no longer followed by some people, we need to protect ourselves against violent acts perpetrated under the protection of diplomatic immunity by diplomats from renegade states.

Our bill will go a long way toward reaching that goal. I urge my colleagues to support it.

I ask unanimous consent that the Dothan Eagle editorial to which I referred, entitled "Another Civilized Country Finds Out Libyan 'Diplomats' Are Terrorists," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ANOTHER CIVILIZED COUNTRY FINDS LIBYAN "DIPLOMATS" ARE TERRORISTS

The dictator Moammar Khadafy of Libya, the Kremlin stooge who alit from a camel to become a self-proclaimed "colonel," complete with a uniform bedecked with medals, is still in the business of dispensing terrorism, but his latest bloody episode has cost his country the recognition of another of the world's civilized nations.

Great Britain severed diplomatic relations with Libya Sunday after a standoff that began April 17 when a submachine gun was fired from a window of the Libyan embassy in London. The shots killed Constable Yvonne Fletcher and wounded 11 Libyan exiles who had been demonstrating outside the embassy against the regime of Col. Khadafy.

Libyan embassy officials, protected by the the gentlemanly rules of the 1961 Vienna Convention on Diplomatic Relations, refused to surrender the murderer. Now the diplomatic break, specifying that the Libyans must vacate the embassy and leave the country by midnight Sunday, means that there will be no justice for the slaying of a policewoman on the London streets.

Britons, and others in the civilized world, are aghast that diplomatic immunity has been turned into a charade. We in the United States, while aghast, aren't exactly surprised. We have seen it happen firsthand from "diplomats" to the United Nations. The Vienna Convention was for gentlemen. The rulers of nations the likes of Libya, Cuba, Iran, Nicaragua, Bulgaria and, yes, Russia are not gentlemen, hence they do not play by the rules but, instead, twist them to achieve their goals.

Britain, the civilized country, abides by the rules of diplomatic immunity and will not rush the embassy and bring on more bloodshed. The "diplomats" will simply walk out and go home. British officials say they will be searched for weapons, but their diplomatic pouches will not be touched, not even X-rayed to find the killer's gun.

There is some speculation that the Libyans won't leave peacefully. The official Libyan news agency said embassy personnel have cabled Col. Khadafy pledging "to defend our principles and aims . . . or die in the process." If it comes to that at the Sunday midnight showdown, we trust British police will accommodate them.

This business of diplomatic immunity will cease to be a cloak behind which terrorists can hide when other civilized nations take the step Great Britain took. The United States took the same step some time ago.

Where there is no diplomatic recognition there can be no immunity.

When that day comes, terrorists can be dealt with as the Israelis deal with them.●

By Mr. HUMPHREY:

S. 2772. A bill to abolish the U.S. Synthetic Fuels Corp., and for other purposes; to the Committee on Energy and Natural Resources.

ABOLISHING THE SYNTHETIC FUELS CORPORATION

● Mr. HUMPHREY. Mr. President, today I am introducing legislation that would abolish the U.S. Synthetic Fuels Corp. [SFC]. Similar legislation has been introduced in the House by Representative JAMES T. BROYHILL.

Over the past 4 years, the SFC has offered nothing to justify its continued existence. Established in 1980, with the questionable mission of promoting the commercialization of synthetic fuels, the SFC has little to show for its efforts and the hundreds of millions of dollars it has committed to synfuels projects. Perhaps more questionable than the Corporation's mission has been the record of its management. Plagued by continual turmoil among its personnel, the SFC has had trouble functioning on a day-to-day basis, much less preparing to dole out billions in the pursuit of uncertain technologies.

The troubles at the Corporation have become even more apparent over the past several months. Shortly after the Corporation announced plans to commit nearly $7 billion to various synfuels ventures, the SFC President, Victor Thompson, resigned on April 27. The Thompson resignation was particularly significant in that it left the Corporation without the legally required quorum on its Board of Directors, thus paralyzing the Corporation.

A few weeks later, President Reagan proposed a reduction of $9 billion from the $14.1 billion presently available to the Corporation. The President has also asked for the establishment of a new market test provision for all future Government-backed synthetic fuels ventures. This legislation has since been introduced in both Houses.

While the President's initiative is clearly a step in the right direction, we cannot stop there. In an era with deficits that total hundreds of billions of dollars, we simply cannot afford to let an ill-conceived SFC blunder away billions more.

A few weeks ago, the New York Times argued in an editorial that, "The Synthetic Fuels Corporation has been a waste of money." I agree. Clearly, we cannot afford to waste any more.

Mr. President, I ask unanimous consent that the text of the bill, and an editorial which appeared in the New York Times on May 30, 1984, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Synthetic Fuels Corporation (hereafter in this Act referred to as the "Corporation") shall be abolished 90 days after the date of enactment of this Act.

SEC. 2. (a) During the period between the date of enactment of this Act and the abolition of the Corporation under the first section of this Act the Board of Directors of the Corporation shall diligently pursue all necessary steps to achieve the orderly termination of the Corporation's affairs on or before the end of such 90-day period.

(b) During the 90-day period described in subsection (a) of this section the Corporation shall not enter into any legally binding commitment whose duration extends past the end of such 90-day period.

SEC. 3. (a)(1) Upon the abolition of the Corporation under the first section of this Act the responsibility for administering any remaining legally binding commitments of the Corporation shall transfer to the Secretary of Energy, who for such purposes shall succeed to all the powers, duties, rights, and obligations of the Corporation under title I of the Energy Security Act.

(2) For the purposes of this Act, the term "legally binding commitment" shall not include any nonbinding pledges of assistance or letters of intent.

(b) In administering the legally binding commitments of the Corporation entered into before the date of enactment of this Act under the authority of title I of the Energy Security Act, the Secretary of Energy shall not enter into any additional legally binding commitments or any extensions of such existing commitments.

SEC. 4. (a) Upon the date of enactment of this Act, all funds, except those described in subsection (b), which have been appropriated to the Energy Security Reserve in the United States Treasury for the purposes of the Corporation shall be deposited into the general fund of the Treasury as miscellaneous receipts.

(b) There shall be retained in the Energy Security Reserve until expended or clearly no longer required—

(1) $740,000,000 for projects with respect to which the Corporation has, before the date of enactment of this Act, entered into legally binding commitments;

(2) $30,000,000 for administrative expenses of the Corporation during the 90-day period immediately following the date of enactment of this Act, and for administrative expenses of the Secretary of Energy after such 90-day period with respect to responsibilities transferred to such Secretary under this Act; and

(3) such sums as are necessary to fulfill obligations made before February 8, 1982, by the Secretary of Energy with respect to projects funded under the Defense Production Act of 1950 or under the Federal Nonnuclear Energy Research and Development Act of 1974.

SEC. 5. (a) The United States Synthetic Fuels Corporation Act of 1980 is repealed.

(b) This section shall take effect 90 days after the date of enactment of this Act.

[From the New York Times, May 30, 1984]

THE SIN IN SYNFUELS

Does America need subsidized synthetic fuels? In 1980 Congress was sure it did, and created the Synthetic Fuels Corporation to hurry along production of substitutes for scarce oil and natural gas. Four years later scarcity has turned to glut, and the corporation has little to show for its efforts beyond a record of bad management and a whiff of scandal.

The Reagan Administration is pressing, with bipartisan support, to narrow the corporation's mission and cut its funding by half. Mr. Reagan is on the right track. Congress might even be tempted to go a step further, dumping the corporation altogether and shifting control of its projects to the Energy Department.

The right answer to potential energy crises like the present turmoil in the Persian Gulf is natural fuel, stored in the strategic petroleum reserve, not synthetic. But there's still a solid case to be made for synthetic fuel development and it would be a pity if the rationale for subsidizing it were discredited along with the subsidizers.

Congress gave the Synthetic Fuels Corporation $15 billion with little guidance other than a goal of producing 500,000 barrels of liquid and gas fuel a day by 1987. Perhaps no managers could have spent so much wisely and quickly. But the second-raters appointed by the Reagan Administration clearly had little idea of how to do it—and even less about the propriety of handing out cash to companies in which they had an interest.

The corporation's defensible investments, in developing medium-scale coal gasification and shale oil plants, were inherited from Energy Department planners. There seems to have been no particular logic to the corporation's subsequent investments in virtually useless or technologically redundant facilities—except the bureaucratic urge to commit $15 billion before Congress had second thoughts. Mr. Reagan now wants to reduce the corporation's spending authority to about $7 billion and limit subsidies to projects that could produce synthetic fuel at competitive prices.

It makes sense to stop scattering subsidies for the development of technologies already well understood, like heavy oil extraction. There's also no point in investing in obviously uneconomic technologies, like conversion of peat to alcohol. And it makes little sense to subsidize the construction of facilities to produce synfuels in large volume. No standby capacity can conceivably make enough fuel to offset oil lost in a short-term emergency. That's the job of the strategic petroleum reserve.

But there could be a big payoff in modest research and development of efficient coal gasification and oil shale extraction technologies. With synfuel technologies perfected, ready to go at any time of longer-term shortage, private industry could respond rapidly and minimize the dislocations in the economy.

At most, that effort can be conducted by a trimmed-down corporation with new management and senior staff. Better still, the synfuel program could be moved into the Energy Department, which has had experience and some success in R&D. The Synthetic Fuels Corporation has been a waste of money. Synthetic fuels aren't.●

By Mr. GARN (for himself, Mr. PROXMIRE, Mr. ARMSTRONG, Mr.

BENTSEN, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. CHILES, Mr. CRANSTON, Mr. D'AMATO, Mr. DODD, Mr. EXON, Mr. GORTON, Mrs. HAWKINS, Mr. HECHT, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEAHY, Mr. LUGAR, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. TRIBLE, Mr. TSONGAS, Mr. TOWER, Mr. WEICKER, and Mr. WILSON):

S.J. Res. 313. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week"; to the Committee on the Judiciary.

NATIONAL NEIGHBORHOOD HOUSING SERVICES WEEK

● Mr. GARN. Mr. President, I am introducing a joint resolution calling for the proclamation of a "National Neighborhood Housing Services Week" October 7-13, 1984, and to urge my colleagues to support this joint resolution which will significantly strengthen a national network of neighborhood revitalization programs at work in 200 neighborhoods throughout the country.

Neighborhood Housing Services [NHS] is the largest neighborhood-based network of private-public partnership at work in our country today. Their mission is to revitalize neighborhoods for the benefit of those currently living and doing business there and they now have a 12-year track record of success. To date, they have generated over $2 billion in reinvestment back into these neighborhoods, neighborhoods that were previously being written off. These neighborhoods are now being turned around into sound, vibrantly healthy places in which to live and do business by local Neighborhood Housing Services partnerships.

At the heart of each NHS is a working partnership of residents, local business leaders, and local government representatives who contribute hundreds of volunteer hours each year through their work with NHS. These programs are supported by voluntary contributions. Broadened public awareness is critical for their expanded service. This joint resolution calling for a "National Neighborhood Housing Services Week" would do much to bring about this increased awareness of their work, as well as recognize and encourage the thousands of volunteers who are contributing their time, energy and resources through NHS to improve the quality of life for lower income families in communities throughout America.

You may already be familiar with NHS. Back in 1978, in recognition of their success in reversing decline and revitalizing neighborhoods, we created Neighborhood Reinvestment Corporation to help expand the Neighborhood Housing Services network throughout the country, and more recently, the Advertising Council, Inc., selected Neighborhood Housing Services as one of their national public service advertising causes.

I hope the Senate will join me in encouraging and expanding this work by adopting this joint resolution calling for a "National Neighborhood Housing Services Week." Passage of this resolution will significantly strengthen an effective neighborhood revitalization effort which is saving hundreds of neighborhoods—a priceless resource which billions of dollars could not replace.●

● Mr. D'AMATO. Mr. President, I rise today to add my name as an original cosponsor of this joint resolution which designates the week of October 7, 1984, as "National Neighborhood Housing Services Week."

Neighborhood Housing Services [NHS] works diligently to revitalize our communities across this country. This organization, consisting of a national network of locally funded, autonomous self-help programs, has touched the lives of over 2 million Americans in 195 neighborhoods.

Each local program requires the cooperation of three integral components: residents, business leaders, and local government officials. This partnership has promoted the beneficial interplay of public and private sectors at the local level, and efficient utilization of local volunteer time, and, most importantly, the development of self-reliant, healthy neighborhoods.

One of the main functions of NHS has been its consistent reinvestment of neighborhood development funds. Under its supervision, over $2.4 billion has already been reinvested in our local neighborhoods. NHS also provides loans for nonbankable residents, renewing hope and optimism by reaching out to those who are shunned by banks. Thus, Neighborhood Housing Services supports the very backbone of our communities.

An increased public awareness of NHS valuable services is, however, integral to further development of the organization and the further development of our communities. It is in the strength of these vital communities that one sees the strength of the Nation as a whole. With the goal of promoting increased awareness of NHS services and in due recognition of their invaluable contributions, I urge my colleagues to speedily enact this joint resolution.●

ADDITIONAL COSPONSORS

S. 557

At the request of Mr. SYMMS, his name was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1954 to implement a flat rate tax system.

S. 1910

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1910, a bill to adapt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes.

S. 2131

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. HART] was added as a cosponsor of S. 2131, a bill to provide for the temporary suspension of deportation for certain aliens who are nationals of El Salvador, and to provide for Presidential and congressional review of conditions in El Salvador and other countries.

S. 2429

At the request of Mr. HATFIELD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2429, a bill to amend the Tariff Schedules of the United States to increase the duty on certain shelled filberts.

S. 2436

At the request of Mr. GOLDWATER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2719

At the request of Mr. LAUTENBERG, the names of the Senator from Nebraska [Mr. EXON], the Senator from Maine [Mr. MITCHELL], the Senator from Michigan [Mr. RIEGLE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 2719, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold a percentage of the apportionment of certain Federal-aid highway funds to be made to any State which does not establish a minimum drinking age of 21 years.

S. 2744

At the request of Mr. HEINZ, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2744, a bill to amend the Social Security Act to protect beneficiaries under health care programs of that act from unfit health care practitioners, and to otherwise improve the antifraud provisions of that act.

S. 2753

At the request of Mr. HATFIELD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2753, a bill to provide for the buy-out of certain contracts for Federal timber

S. 2766

At the request of Mr. THURMOND, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from Michigan [Mr. RIEGLE], the Senator from Montana [Mr. MELCHER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Kentucky [Mr. HUDDLESTON] were added as cosponsors of S. 2766, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

SENATE JOINT RESOLUTION 297

At the request of Mr. THURMOND, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 297, a joint resolution to designate the month of June 1984 as "Veterans' Preference Month."

SENATE CONCURRENT RESOLUTION 100

At the request of Mr. MITCHELL, the names of the Senator from Iowa [Mr. JEPSEN], the Senator from Alabama [Mr. HEFLIN], the Senator from Washington [Mr. EVANS], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Concurrent Resolution 100, a concurrent resolution concerning the drilling ship Glomar Java Sea.

AMENDMENT NO. 3204

At the request of Mr. BYRD, the names of the Senator from Virginia [Mr. WARNER], the Senator from Maine [Mr. MITCHELL], the Senator from Wisconsin [Mr. KASTEN], the Senator from Georgia [Mr. NUNN], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. THURMOND], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Maine [Mr. COHEN], the Senator from Virginia [Mr. TRIBLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alaska [Mr. STEVENS], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of amendment No. 3204 proposed to S. 2723, an original bill to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

SENATE CONCURRENT RESOLUTION 124—RELATING TO THE 10TH ANNIVERSARY OF THE SENIOR COMPANION PROGRAM

Mr. BAKER (for Mr. HEINZ, for himself, Mr. GLENN, Mr. DOMENICI, Mr. GRASSLEY, Mr. WARNER, Mr. PERCY, Mr. HOLLINGS, Mr. SARBANES, Mr. CHILES, and Mr. PRESSLER) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 124

Whereas the 10th anniversary of the Senior Companion Program, one of the Older American Volunteer Programs administered by the ACTION Agency, will be observed during 1984;

Whereas older American volunteers constitute a major untapped resource for addressing community needs;

Whereas the Senior Companion Program provides a volunteer peer support system, with a stipend for each volunteer, utilizing the experiences, wisdom, and skills of low-income persons over the age of 60 in providing personal services and friendship to the frail, isolated elderly;

Whereas the Senior Companion Program provides opportunities for older Americans to be involved as responsible, knowledgeable members of their communities while remaining independent, self-confident, and productive well into their own later years; and

Whereas the Senior Companion Program enables the frail elderly at risk of institutionalization to be cared for in the more satisfactory independent living setting of their own homes, resulting in substantial financial savings to individuals and taxpayer-financed health care provision programs: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Senior Companion Program is commended on its 10th anniversary for its success in providing volunteer opportunities for older Americans to utilize their experience and abilities as caregivers to the frail elderly in their communities.

● Mr. HEINZ. Mr. President, I am proud to offer today, along with nine cosponsors, a concurrent resolution expressing the sense of the Congress that the Senior Companion Program be commended for the program's success in providing volunteer opportunities for older Americans.

This year marks the 10th anniversary of the Senior Companion Program [SCP], one of the Older American Volunteer Programs administered by the ACTION Agency. This program provides opportunities for older Americans to be involved as active, responsible members of their communities while remaining independent, self-confident, and productive well into their own later lives. In the decade since its enactment, the Senior Companion Program has demonstrated that volunteer participation in human services is not only a necessary component toward meeting community and national needs, but a viable means of enriching and rewarding the lives of older persons as well.

Mr. President, over 5,000 volunteers in 90 Senior Companion Programs across the country provide personal services to vulnerable, frail older persons. Volunteers typically serve 20 hours per week and receive a small stipend, transportation assistance, an annual physical examination, insurance benefits, and meals when serving as volunteers. But Senior Companions give to others much more than they receive in monetary or material compensation. These volunteers enable chronically disabled elderly at risk of institutionalization, those who are more frail and more dependent than their able-bodied counterparts, to be cared for in the comfort and convenience of their own home. In addition, Senior Companion volunteers make regular visits to nursing homes and other institutions to offer their friendship, support, and encouragement to the residents. For many residents, the moments spent with senior volunteers represent the single, most vital source of hope and faith in days darkened by loneliness and despair.

Over the next few decades, the demand for long term care services will increase dramatically as the number of persons age 85 and older grows larger. The work senior volunteers do complements, in a very real sense, our efforts to promote less-costly alternatives to institutionalization by discouraging feelings of dependency on the part of the frail elderly and encouraging independence in all aspects of life. The Senior Companion Program represents a vital link between professional health care providers and the frail elderly in meeting this challenge for expanded health care services in our communities.

As chairman of the Senate Special Committee on Aging, I am proud to sponsor this concurrent resolution to proclaim our appreciation for the skills and dedication of Senior Companion volunteers, and to recognize a decade of achievement by the Senior Companion Program to serving the needs of frail, isolated elderly with a spirit of enthusiasm and respect.●

● Mr. GLENN. Mr. President, I am pleased to cosponsor this concurrent resolution recognizing the Senior Companion Program on its 10th anniversary. I urge my colleagues to join me in commending the nearly 5,000 volunteers who serve through 85 projects nationwide. These wonderful and dedicated older Americans are a valuable resource to our country.

The Senior Companion Program is one of the Older American Volunteer Programs administered by the ACTION Agency and authorized by the Domestic Volunteer Service Act of 1973. The program is designed to provide part-time volunteer opportunities for low-income persons age 60 and over who provide supportive services to vulnerable, frail older persons. The volunteers primarily service homebound, chronically disabled older persons in order to assist them to live independently in their own homes. Senior Companions also provide services to institutionalized older persons.

The Congress indicated its strong support for the successful Senior Companion Program this year when it reauthorized the Older American Volunteer programs for an additional 3 years. Increased authorization levels for the Senior Companion Program were included to permit an expanded training component in home health and related services.

This week marks the national celebration of the Senior Companion Program's 10th anniversary. The program is honoring 162 dedicated volunteers who have served continuously for the past 10 years. Many volunteers and local project directors traveled to Washington to participate in the celebration, which included a congressional luncheon and an awards ceremony. I was particularly pleased that several Ohio volunteers and project directors could attend the events in Washington this week. Mrs. Eula Griffin of Cincinnati and Mrs. Helen West of Caldwell attended as representatives of the Senior Companion Volunteers in Ohio. Bertie Domineack of Cincinnati and Rose Marie Thomas of Marietta are project directors who attended. All Ohioans appreciate these woman and their fellow workers for their many years of service of the Senior Companion Program.

Senior Companions in Ohio and across the Nation have provided valuable volunteer services to older Americans. I hope we celebrate many more anniversaries of this important program.●

SENATE RESOLUTION 408—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. SYMMS, from the Committee on Enviroment and Public Works, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 408

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2527, a bill to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

The Committee on Environment and Public Works met and made a good faith effort to report S. 2527 prior to the May 25, 1984 reporting deadline for fiscal year 1985 authorizations. However, due to circumstances beyond their control, the Committee was unable to report this bill prior to May 25, 1984.

Pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2527 as reported by the Committee on Environment and Public Works.

SENATE RESOLUTION 409—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. SYMMS, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 409

Resolved, That section 303(a) of the Congressional Budget Act of 1974 is hereby waived with respect to the consideration of S. 2527, the Federal-aid Highway Act of 1984.

SEC. 2. This waiver is necessary so that multi-year highway legislation may be considered by the Senate. Highway authorizations are contract authority which when enacted create new spending authority. To consider this multi-year highway bill such a waiver is required by section 303(a).

AMENDMENTS SUBMITTED

PUBLIC BUILDINGS SERVICE AUTHORIZATION ACT

MOYNIHAN (AND RANDOLPH) AMENDMENT NO. 3219

Mr. BYRD (for Mr. MOYNIHAN) proposed an amendment to the bill (S. 2635) to authorize appropriations for the Public Building Service of the General Services Administration for fiscal year 1985; as follows:

On page 2, line 19, strike "$2,227,802,000" and insert in lieu thereof "$2,234,302,000";

On page 3, line 13, strike "$226,404,000" and insert in lieu thereof "$232,904,000"; and

On page 3, after line 18, insert at the appropriate place:

"District of Columbia, Pension Building ..... $6,500,000".

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

DURENBERGER (AND DOLE) AMENDMENT NO. 3220

Mr. DURENBERGER (for himself and Mr. DOLE) proposed an amendment to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

Strike out line 21 on page 55 through line 5 on page 57 and insert in lieu thereof the following:

STUDY OF LINKAGE OF CHAMPUS WITH MEDICARE

SEC. 163. The Congress finds—

(1) that costs of providing medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) have escalated rapidly in recent years;

(2) that new and innovative methods for control and containment of CHAMPUS costs must be explored; and

(3) that the adoption by CHAMPUS of a prospective payment system like that utilized by Medicare may offer significant savings by CHAMPUS.

Therefore, the Secretary of Defense and the Secretary of Health and Human Services are directed jointly to study the possible effects of the adoption by CHAMPUS of a prospective payment system such as that utilized by Medicare. The study also shall address the advisability and feasibility of statutorily linking provider participation in Medicare with participation by CHAMPUS and whether such a linkage is needed in order to insure adequate provider participation in CHAMPUS if CHAMPUS were to adopt a prospective payment system and address the changes that might be expected in the CHAMPUS patient workload and the CHAMPUS aggregate payment levels to various segments of the provider community, including private, public, non-profit, and teaching facilities, if such a system were adopted. The Secretaries shall report their findings to the Committees on Armed Services of the Senate and House of Representatives, the Senate Finance Committee, and the House Ways and Means Committee before March 1, 1985, and such report shall include recommendations on changes believed to be appropriate in the CHAMPUS system of reimbursement and on the need for and appropriateness of a linkage between CHAMPUS and Medicare.

NUNN (AND OTHERS) AMENDMENT NO. 3221

Mr. NUNN (for himself, Mr. WARNER, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. PERCY, Mr. GORTON, Mr. COHEN, Mr. EXON, Mr. LUGAR, Mr. QUAYLE, Mr. PRESSLER, Mr. HEINZ, Mr. PRYOR, Mrs. KASSEBAUM, Mr. LAUTENBERG, Mr. KENNEDY, Mr. CHILES, Mr. FORD, Mr. INOUYE, Mr. BINGAMAN, Mr. ROTH, Mr. LEAHY, Mr. LEVIN, Mr. HEFLIN, Mr. RIEGLE, Mr. CRANSTON, Mr. ABDNOR, Mr. COCHRAN, Mr. EVANS, Mr. DURENBERGER, Mr. HART, Mr. NICKLES, Mr. DIXON and Mr. MATSONAGA) proposed an amendment to the bill S. 2723, supra; as follows:

At the appropriate place insert:

Since an increasing number of scenarios, including misjudgment, miscalculation, misunderstanding, possession of nuclear arms by a terrorist group or a state sponsored threat, could precipitate a sudden increase in tensions and the risk of a nuclear confrontation between the United States and the Union of Soviet Socialist Republics, situations that neither side anticipated, intended, or desired;

Since there has been a steady proliferation throughout the world of the knowledge, equipment, and materials necessary to fabricate nuclear weapons;

Since this proliferation of nuclear capabilities suggests an increasing potential for nuclear terrorism, the cumulative risk of which, considering potential terrorist groups and other threats over a period of years into the future, may be great;

Since the current communications links represent equipment of the 1960's and as such are relatively outdated and limited in their capabilities;

Since Senators Jackson, Nunn, and Warner sponsored an amendment adopted by the Senate to the 1983 Department of Defense authorization proposing certain confidence building measures;

Since President Reagan, responding to congressional initiatives, proposed the establishment of additional and improved communications links between the United States and the Union of Soviet Socialist Republics and other measures to reduce the risk of nuclear confrontation, and has initiated discussions at a working level with the Soviet Union covering:

(a) The addition of a high speed facsimile capability to the direct communication link (hotline);

(b) The creation of a joint military communications link between the United States Department of Defense and the Soviet Defense Ministry;

(c) The establishment by the United States and Soviet Governments of high rate data communication links between each nation and its embassy in the other nation's capital.

Since the establishment of nuclear risk reduction centers in Washington and Moscow could reduce the risk of increased tensions and nuclear confrontations thereby enhancing the security of both the United States and the Soviet Union;

Since these centers could serve a variety of functions including: (a) discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties; (b) maintaining close contact during nuclear threats or incidents precipitated by third parties; (c) exchanging information on a voluntary basis concerning events that might lend to the acquisition of nuclear weapons, materials, or equipment by subnational groups; (d) exchanging information about United States-Union of Soviet Socialist Republics military activities which might be misunderstood by the other party during periods of mounting tensions; and (e) establishing a dialog about nuclear doctrines, forces, and activities;

Since the continuing and routine implementation of these various activities could be facilitated by the establishment within each Government of facilities, organizations, and bureaucratic relationships designated for these purposes, such as risk reduction centers, and by the appointment of individuals responsible to the respective head of state with responsibilities to manage such centers: Now, therefore, be it

Declared—That the Senate of the United States commends the President for his announced support for the aforementioned confidence building measures, and his initiation of negotiations which have occurred and urges the President to pursue negotiations on these measures with the Government of the Soviet Union, and to add to these negotiations the establishment of nuclear risk reduction centers in both nations, to be operated under the direction of the appropriate diplomatic and defense authorities.

STENNIS (AND OTHERS) AMENDMENT NO. 3222

Mr. STENNIS (for himself, Mr. NUNN, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill S. 2723, supra; as follows:

On page 5, between lines 4 and 5, insert the following: For Marine Corps Reserve equipment, $20,000,000.

WARNER (AND OTHERS) AMENDMENT NO. 3223

Mr. WARNER (for himself, Mr. HELMS, and Mr. EXON) proposed an amendment to the bill S. 2723, supra; as follows:

On page 54, between lines 14 and 15, insert the following new section:

CLARIFICATION OF TAX TREATMENT OF CERTAIN ALLOWANCES

SEC. 160b. (a)(1) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 431. Tax treatment of basic allowance for quarters and basic subsistence allowance.

"In determining whether any deduction allocable to basic allowance for quarters (including any variable housing allowance, station housing allowance, or similar allowance) or basic subsistence allowance is allowable under the Internal Revenue Code of 1954, such allowance shall not be considered as exempt from income taxes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"431. Tax treatment of basic allowance for quarters and basic subsistence allowance.".

(b) For the purpose of determining whether any deduction allocable to any rental allowance paid to a minister of the gospel as part of the compensation of such minister is allowable under the Internal Revenue Code of 1954, such allowance shall not be treated as exempt from income taxes.

HATCH AMENDMENT NO. 3224

Mr. HATCH proposed an amendment to the bill S. 2723, supra; as follows:

At the end of page 239 add the following new section:

STUDY OF MILITARY DRESS AND APPEARANCE REGULATIONS AND RELIGIOUS REQUIREMENTS OF MEMBERS OF THE ARMED SERVICES

SEC. . (a) In an effort to augment religious freedom in the Armed Services, to the greatest extent consistent with requirements for discipline and uniformity, the Secretary of Defense shall form a Joint Service Study Group, to consist of two representatives from each Service appointed by the Chief of each Service, and four nonmilitary citizens, one to be selected by the Chief of Chaplains of each of the four services, to conduct a study concerning the dress and appearance standards for members of the Armed Services.

(b) Such study shall focus on the interests of members of the Armed Services in abiding by their religious tenets and the interests of the military services in maintaining discipline and uniformity of appearance. The views of non-military representatives of various major religious organizations concerning religious dress and appearance requirements will be presented to the Study Group in written or oral testimony and shall be included in the study.

(c) Upon completion of the study the Study Group shall recommend to the Secretary of Defense any changes in military regulations which may be necessary and appropriate to reasonably accommodate the interests of members of the Armed Service in abiding by their religious tenets and the interests of the military services in maintaining discipline and uniformity of appearance. The Service Secretaries shall issue changes, as appropriate, in military regulations pursuant to these recommendations to become effective no later than January 1, 1985.

(d) A report of the findings and recommendations of the study group, together with any changes made in military regulations, shall be submitted to the Committees on Armed Services of the Senate and House of Representatives by January 1, 1985.

SPECTER AMENDMENT NOS. 3225 THROUGH 3227

Mr. SPECTER submitted three amendments intended to be proposed by him to the bill S. 2723, supra; as follows:

AMENDMENT NO. 3225

On page 118, strike out lines 10 through 17 and insert in lieu thereof the following:

SEC. 1007 (a) section 2392 of title 10, United States Code, is repealed effective October 1, 1984.

(b) The Secretary of Defense shall carry out in each fiscal year, beginning with fiscal year 1985, a program under which the Department of Defense, in order to endeavor to relieve economic dislocations and provide employment in labor surplus areas in the United States, shall be authorized to pay a price differential on nonstrategic contracts awarded by the Department of Defense. Under such program, the Secretary of Defense shall award contracts to individuals or firms in labor surplus areas (as defined and identified by the Department of Labor) if the Secretary determines—

(1) that the awarding of the contracts will not adversely affect the national security of the United States;

(2) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of the contracts will be made at reasonable cost to the United States; and

(3) that the price differential to be paid under the contracts will not exceed 2.5 per centum.

(c) The total value of contracts awarded by the Department of Defense in carrying out this section shall not be less than $12,000,000,000 in any fiscal year.

(d) Not later than April 15, 1986, and each year thereafter, the President shall submit a report to the Congress on the implementation and results to that date of the program authorized by subsection (a). Each report shall include an assessment of the costs and benefits of the program.

AMENDMENT NO. 3226

At the appropriate place in the bill, add the following new section:

SENSE OF THE SENATE RESOLUTION URGING AN EARLY AND UNCONDITIONAL SUMMIT

Whereas, the nuclear arms race continues at an increasing pace between the United States and the Union of Soviet Socialist Republics, diverting massive resources, raising the risk of nuclear war, and increasing dissension within American society and the Atlantic Alliance.

Whereas, technological advances are now enabling the superpowers to extend the arms race to space and are complicating arms control tasks on earth.

Whereas, nuclear arms talks have been abandoned by the Soviets after their effective rejection of all U.S. proposals for reductions.

Therefore be it now resolved that:

1. It is the Sense of the Senate that the President of the United States and the leader of the Soviet Union should meet as soon as possible to negotiate nuclear arms reduction, stabilization and control, with effective verification, and if such a summit meeting is rejected by the Soviets for the coming Fall, then the President of the United States should make it his first priority following the United States Presidential elections in November 1984, to seek such a summit meeting, without preconditions or assurance of success.

2. The Secretary of the Senate is hereby directed to communicate this Resolution to the President of the United States and to the Secretary of State for forwarding to the Soviet Government.

AMENDMENT No. 3227

On page 118, strike out lines 10 through 14 and insert in lieu thereof the following:

SEC. 1007. (a) Subsection (a) of section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended—

(1) by striking out "Defense Logistics Agency" in the second sentence and inserting in lieu thereof "Department of Defense"; and

(2) by striking out "fiscal years 1983 and 1984" each place such matter appears and inserting in lieu thereof "fiscal years 1984 and 1985".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 2762, the Barrow Gas Field Transfer Act of 1984. The hearing will be held on Friday, June 22, beginning at 10 a.m. in room SD-562.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Witnesses should provide the subcommittee with 25 copies of their written statements 24 hours in advance of the hearing, as required by the rules of the committee, and 75 copies on the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

THE AMERICAN STEEL INDUSTRY: MYTH VERSUS REALITY—IV

● Mr. HEINZ. Mr. President, today I present the fourth in a series of brief statements which will appear periodically in an effort to elevate the level of debate on the crisis in the American steel industry.

I would like to discuss the role of labor in the American steel industry. Often those unfamiliar with the industry hold steelworkers primarily responsible for its problems: they are overpaid, underworked and uninterested in helping the industry to survive. Such generalizations distort the reality of the steelworker's situation, yet are often accepted by policymakers as facts. The dedication of labor to helping the steel industry survive is usually overlooked or underestimated.

The current debate over steel import quotas and the critical state of the steel industry is growing in intensity in the Congress and the executive branch. The International Trade Commission's determination of injury for over 70 percent of the steel industry has helped to focus the public's attention on the problem. Therefore, I am offering some further myths and realities about the industry to help provide a common set of facts from which we can all work.

MYTH

Improvements in the American economy during the past few years have positively affected the employment situation in the domestic steel industry.

REALITY

According to the American Iron & Steel Institute, in 1977 the total blue and white collar employment in the U.S. steel industry stood at 452,000. By the end of 1983, the total number of jobs equalled only 243,000, a decrease of 210,000 jobs or 46 percent the total number employed in 1977. There has not been a significant improvement in 1984.

American steel consumption has increased due to the economic recovery, yet foreign competitors have increased their share of the U.S. market at the same time by selling at artifically low prices. For example, in the first 2 months of 1984, consumption rose by 5 million tons, with imports accounting for more than 40 percent of the increase. According to Lynn Williams, United Steelworkers' president:

Steelworkers are not being recalled and unless some relief is afforded from the surge of imports, no end to their suffering is in sight.

Over 100,000 steelworkers have been laid off for so long that they have exhausted State unemployment compensation and contractual supplemental unemployment benefits.

MYTH

Few layoffs can be directly attributed to imports.

REALITY

Section 221 of the 1974 Trade Act allows for trade adjustment assistance for workers if the Secretary of Labor is able to determine that imports have contributed importantly to their unemployment. Between January 1, 1977, and June 1984 over 153,000 steelworkers have qualified under this provision for assistance. According to the United Steelworkers' president, Lynn Williams:

No single cause other than imports is responsible for the layoff, cumulatively, of 153,000 steelworkers.

MYTH

Steelworkers have been unwilling to make any wage and benefit concessions in order to save their jobs or to help the industry.

REALITY

In early 1983, the United Steelworkers signed a 41-month agreement with the major integrated producers to substantially reduce wage and benefit costs. The 10.9-percent wage reduction is perhaps the deepest cut in labor's history, except for the 1979 Chrysler-UAW agreement.

The agreement's essential provisions are:

Decrease in wage rates by $1.31 per hour, restored in roughly equal increments on February 1, 1984, 1985, and 1986.

Reduction in Sunday premium pay from 1½ time to 1¼, to be restored on February 1, 1986.

Full suspension of the cost of living clause for the agreement's first 17 months; during the next year, it will not be triggered until the Consumer Price Index (CPI) rises by 4 percent, and in the final year until after the CPI rises by 1.5 percent.

Elimination of one holiday and all vacation bonuses and the Extended Vacation program which gave an average 1.3 weeks of additional vacation per employee per year.

This agreement led to a net reduction in employment costs of $2.20 per hour after the subtraction of a 50-cent-per-hour increase in SUB [supplementary employment benefits] contributions, and exclusive of the effects of COLA [cost-of-living adjustment].

At the beginning of 1983, employment costs were $26.12 per hour worked, on the average. However, this figure was artifically high because it included insurance and other benefits for many of the laid-off employees. By January 1984, many of these benefits were terminated. Thus, the terminated benefits and the negotiated reductions lowered employment costs to $21.08

per hour, a savings of 20 percent or $5 per hour.

MYTH

Labor has refused to take any steps to help the general health of the industry.

REALITY

Labor is very active in helping companies to increase output per hour and lower the cost of making a ton of steel. For example, the unions have supported the formation of labor-management participation teams which increase the amount of employee involvement in production decisions. Lynn Williams, of the United Steelworkers, has seen results in the form of improved quality, more efficient use of energy, material and personnel, and less waste and downtime.

At individual locations, local unions working with the plant's management have cooperated in the reduction of crew sizes and the modification of work rules in the interests of both sides. The experts have predicted an improvement in output in the range of 10 to 15 percent per man-hour.

The industry's problems require a comprehensive steel policy developed by Congress and the President in order to reestablish competitiveness. Labor has aggressively pursued self-help measures through reductions in benefits, wage concessions, and close cooperation with management. What is needed is a temporary shelter from the crippling impact of unfairly traded imports; an umbrella that will provide protection while the industry continues taking steps to help itself. It is to this end that I have proposed the Fair Trade in Steel Act of 1984, S. 2380. Without temporary assistance it is clear that the American steel industry will not be able to manage the massive capital investment required to insure its long-term survival.●

PRIORITY ISSUES FACING THE SMALL BUSINESS COMMUNITY

● Mr. PRYOR. Mr. President, the National Federation of Independent Business [NFIB], the largest of the small business organizations, ran a very timely and very large advertisement in yesterday's Washington Post with the headline, "Sometimes it Really Does Take an Act of Congress!" The ad goes on to outline the six problems currently being faced by the small business community which can only be solved through congressional action.

The matter of telephone access charges for small businesses with more than one phone line is the first of the priority issues listed in the NFIB ad. My colleagues should recall that the Senator from Wisconsin [Mr. KASTEN] and I circulated a letter urging other Senators to join us in requesting FCC Chairman Mark Fowler to delay imposition of access charges on small businesses with multiple phone lines, in order to explore more equitable alternatives. Many small business operations need more than one line to do business, yet most of the calls made are intrastate, rather than interstate. While the FCC has exempted at this time other infrequent long distance users, small businesses will bear the brunt of these charges.

The NFIB ad also calls for reform of the bankruptcy laws, the renewal of the Equal Access to Justice Act, the reestablishment of the Paperwork Reduction Act and the legislative veto, and finally, the opportunity to effectively compete for Government contracts.

I urge my colleagues to give their attention to these fundamentally important pieces of legislation during the remaining weeks of the 98th Congress. Mr. President, I ask that the text of the NFIB ad from yesterday's Washington Post be printed in the RECORD.

The text follows:

[National Federation of Independent Business]

SOMETIMES IT REALLY DOES TAKE AN ACT OF CONGRESS

America's small businesses are facing a tough situation. They're struggling with six problems that can be solved *only* through an act of Congress.

But, Congress isn't acting, and time is running out. If Congress doesn't do something in the next few days, the simple solutions to these problems will be delayed until after the elections . . . after the new Congress is seated . . . and after the new members learn their way around the Capitol.

By then, it may be too late. A lot of America's small businesses will be *out* of business. And, then, the solutions won't be so simple.

1. Put Telephone Access Charges on "Hold." Most small firms need several phone lines to do business. Although virtually all small business calls are made close to home, a Federal Communications Commission order now requires multi-line users to pay a monthly, per-line charge for "access" to interstate phone service. The FCC has seen fit to exempt customers with only one phone line from these charges. Fairness demands that multi-line small businesses be given the same consideration extended to these other infrequent long-distance users.

2. Reform Bankruptcy Laws. (H.R. 5174). The present bankruptcy laws are far too lenient. They allow individuals and businesses to declare bankruptcy to get out of repaying debts that they are perfectly capable of paying. A number of proposals now before Congress would revise the nation's bankruptcy laws to make them stronger and more equitable.

3. Renew the Equal Access to Justice Act. (S. 919, H.R. 5479). This law gives individuals and businesses a fair chance to fight government legal proceedings against them. In the past, businesses often faced a no-win situation by going to court with a federal agency. Even if they won the case, they could be forced into bankruptcy by high legal fees. This law requires federal agencies to pay attorney fees and other expenses unless the government position is determined to be "substantially justified." The problem: if Congress doesn't reauthorize the Equal Access to Justice Act this year, it will expire.

4. Re-establish Paperwork Reduction (H.R. 2718). By the government's own conservative estimates, the nation's businesses will pay the equivalent of 730,000 full-time workers to do nothing but take care of federal government paperwork. And, yet, Congress allowed the federal Paperwork Reduction Act to expire eight months ago.

5. Reinstate the Legislative Veto (S. 1080). Small-business owners view the legislative veto as a way to return control of the regulatory process to their elected representatives. Before it was struck down by the Supreme Court a year ago, the legislative veto gave Congress the final say over rules and regulations written by un-elected bureaucrats in federal agencies. An amendment currently before the U.S. Senate would reinstate the legislative veto in compliance with the Supreme Court decision.

6. Increase Competition on Government Contracts (S. 2489). No doubt you've read about the federal government paying hundreds or even thousands of dollars for spare parts that should cost only a few cents. The problem is competition—or a lack of it. The government gives one contractor an exclusive contract to provide all the spare parts for a particular piece of equipment. With no competition, the contractor can charge any amount for spare parts. Congress could bring down these costs by adding competition to the system for buying spare parts.

Yes, there are times when it really does take an act of Congress to get even a simple job done. That's why we're asking the 535 members of the U.S. House and Senate to cast aside politics for the remaining days of the 98th Congress and take the action necessary to get these six important jobs done.●

PERTUSSIS VACCINE

● Mrs. HAWKINS. Mr. President, on June 13, Wyeth Laboratories, a subsidiary of American Home Products, announced that it has ceased production and distribution of the pertussis vaccine. While I can understand the reasons that led to Wyeth's decision, this announcement concerns me because it further exacerbates an already precarious situation in the United States that threatens the continued supply of vaccines to combat childhood diseases.

Since 1968, the number of licensed manufacturers of vaccines in the country has dropped 50 percent, from 37 to 18. The number of licensed vaccine products has dropped 60 percent, from 385 to 150. At the present time, of the 26 licensed vaccine establishments, only 18 actually produce vaccines for sale in the United States; 8 of the 18 are American pharmaceutical companies which hold 70 percent of the vaccine product licenses in this country.

Of the licensed vaccines in the United States, 20 of the 51 have no producer, 18 have only 1 producer, 7 have 2 producers, and only 6 vaccines have 4 or more. On paper, pertussis, the vaccine for whopping cough, appears to have several producers. In reality, however, two of the producers of pertussis vaccine are State health de-

partments which produce only enough for sale within their own boundaries and one of the pharmaceutical producers of the pertussis vaccine, and Connaught Laboratories, which was forced to dramatically increase the price of their product to cover the liability increases from potential lawsuits.

The decision of Wyeth Laboratories to cease production of the pertussis vaccine is particularly disturbing to me. Wyeth had been at the forefront of research efforts to develop a safer vaccine for pertussis. Wyeth had contacted with Takeda, Inc., the Japanese manufacturer of an acelluar pertussis vaccine to distribute the Japanese vaccine in the United States. Wyeth is currently undertaking the necessary human clinical trials needed to meet the Food and Drug Administration's requirements for distribution in the United States. Although no final decision has been made by Wyeth regarding the continuation of their research efforts into the safety and efficacy of using the Japanese pertussis vaccine in the United States, it appears that much more extensive testing is needed. It may be that in foreign countries, the expense of testing may affect Wyeth's decision whether to continue their research efforts.

I met with officials of Wyeth Laboratories shortly before they announced this decision. Although I am upset and concerned about the effect that their decision will have on the cost and availability of childhood vaccines, I can understand the reasons for their decision. I have held four separate hearings on this subject of childhood immunization over the last 2 years. The introduction of S. 2117, the National Childhood Vaccine-Injury Compensation Act was motivated out of concern that if a administrative system to compensate child victims of adverse reactions to vaccines is not implemented, not only do the children suffer, the entire U.S. supply of vaccine production is threatened.

Just a few weeks ago on May 3, 1984, I asked the Department of Health and Human Services if they were prepared to take over the responsibility of producing childhood vaccines if the manufacturers decide to stop producing. Dr. Brandt, Assistant Secretary of Health at HHS replied that:

We are not prepared to begin to produce the vaccines. We have no evidence from my conversations with all of the vaccine manufacturers that there is any threat of that on the horizon, by any stretch of the imagination. We have not seen an immediate threat by any manufacturer to withdraw from the vaccine market.

During those hearings, I also asked Dr. Brandt why the Public Health Service had not established a consolidated Federal contract for the purchase of DPT vaccine as they had for measles, mumps, rubella, and polio. The administration replied that historically the two major reasons for not purchasing DPT under consolidated contracts was that until very recently the price of DPT vaccine had been low enough that the cost-savings achieved by a consolidated Federal contract were not warranted, and that with three manufacturers of DPT, an award of a single Government contract may prove to be a disincentive to the unsuccessful manufacturers. However, the administration replied that because of interest from State health offices, they have issued a request for proposals for the purchase of diptheria, tetanus, and pertussis vaccines under a consolidated Federal contract, both for the vaccine stockpile which they are presently establishing and for continuing use in the grant program. However, the current budget request for the childhood immunization program does not contain any funds that could be expended for this purpose. Therefore, when the Labor, HHS, Education Appropriation bill comes before the full Senate for our consideration, I plan to offer an amendment to increase the funding for child immunization efforts to provide sufficient funding for these purposes.●

THE WAYWARD PRESS

● Mr. GOLDWATER. Mr. President, the press, the media, electronic visual or printed, continues to bring down grave doubts about their accuracy among the American people.

There are times when I think the first amendment is roundly and soundly abused but, most of the time, I think it is a necessary part of our Constitution.

It would be a wonderful thing if the press, generally, could emulate Henry Luce, who founded Time magazine, and make the points of news, not exaggerate them, make them up, or change them.

An editorial appearing in the Government Executive points out the need for this better than I ever could. So, I ask to have that editorial printed in the RECORD.

The editorial follows:

THE WAYWARD PRESS

(By C.W. Borklund)

Back last May 7, Time magazine published an "Essay" which, in the English language, is another way of saying, "editorial," i.e., according to Webster's, "an analytic or interpretative literary composition usually dealing with its subject from a limited or personal point of view." The "Essay" was all of that.

But why the editors of Time, which once—when Briton Hadden and Henry Luce founded it a half century ago—prided itself on including all the principal facts in its editorially summarized reciting of the week's news, would broadcast to its millions of recipient/readers that one of its reporters is not only uninformed but aggressively proud of that journalistic calamity . . . well, the point they're trying to make escapes us.

Title of this particular vitriolic memorandum was "The Case Against Star Wars Weapons." It starts off a puzzlement because the alleged author (actually, we have learned, he got advice and counsel from a lot of other people) is listed on the magazine's masthead as "Diplomatic Correspondent." Now, having a guy in that line of inquiring reportage discourse at length in self-appointed expertise about weapons technology and the White House decision-making process—the two issues raised in the editorial—strikes us as about the equivalent of our trying to instruct medical interns in the art of brain surgery.

The author, himself, makes our point. Skipping lightly (the only way to handle it without losing your sense of humor) over this masterpiece of near-fiction:

Claim.—"The idea (for the Space Defense Initiative) had been planted in Reagan's mind by his friend and frequent adviser Edward Teller, the Hungarian-born superhawk, often described as the father of the hydrogen bomb, whose bold and controversial ideas have occasionally led some of his fellow physicists to moan, 'E.T., go home.'"

Fact.—With all due respect to Dr. Teller, whom we admire as we do a great many people in all philosophical/political walks of life for their forthrightness (even while disagreeing frequently with some of the ideas some of them advance), that's giving a small, if prestigious voice in the choir, credit for being the featured soloist.

As anybody with the ability to dial the correct telephone number in either the White House or the Pentagon (and Time has several of those) could have learned almost as easily as punching 555-1212, Teller, by himself, did not inspire President Ronald Reagan's public call in the Spring of 1983 for a ballistic-missile-nuclear-warhead defense. The Joint Chiefs of Staff did.

To track a little history: as far back as when we interviewed him during his last year as California Governor, he asked, in sum, "On nuclear weapons, why aren't the military doing what they've always done before, developing a defense against their own weapons?" From what we've heard talking to many of the same people who are close acquaintances of his, he's raised the question, off and on, ever since.

When he became President, many of those same people—especially the ones with expertise not only in military strategy but in space technology (Donald Graham, Bernard Schriever, Presidential Science Advisor Jay Keyworth are sufficient examples to support the point)—urged him to move on the program. Much like Jack Kennedy's advisors, not the close-buddy personal ones but the technical experts, urged him to launch the Apollo program and advocated the Space Shuttle to Richard Nixon.

Claim.—"Calling for an all-out program, along the lines of the Manhattan Project which developed the atom bomb (subtle conjuring up of Satan there) to develop a defense system in space, he (envisions) a network of orbiting sensors that would detect a Soviet attack as soon as it was launched, then trigger giant remote-control ray guns that would destroy attacking rockets or their warheads before they could do any damage."

Fact.—That's entirely an invention of the "Essay" author. (As an aside, it continually amazes us how many columnists, most of the time hypercritical of a Presidential program, routinely claim they know what he's thinking when the closest they've ever

gotten to the man himself was during a White House press conference.)

First off, the U.S. Defense Support Program (a satellite) has been able to detect a Soviet ICBM or IRBM booster firing up in Siberia or Eastern Europe or wherever since 15 years ago. At the American end of an aggressor's warhead trajectory, the Army proved in the mid-1960's that a "bullet" could indeed knock down another "bullet" on re-entry into the atmosphere. What the Space Defense Initiative (SDI) envisions, simply put, is a whole series of barriers between launch and re-entry (as Defense Secretary Caspar Weinberger repeated for about the 20th time during the last 12 months in Government Executive's May, 1984-dated issue) which raise convincing skepticism in the Kremlin's mind about the likelihood of their launching a pre-emptive first strike.

Claim.—"In December, with no fanfare, Reagan approved $26 billion over the next five years for research into a Strategic Defense Initiative."

Fact.—A year ago, Defense Deputy Secretary of Defense Dick DeLauer pointed out, in essence, that more than half that $26 billion was already in the budget, working on developments needed anyway but, in effect, would contribute to the envisioned nuclear-warhead defense. To suggest that the budget proposal came as a surprise shows what kind of trouble a magazine can get into when it asks an ought-to-be student to play professor.

Claim.—"Strictly on technical grounds, experts all across the ideological spectrum doubt that space-based ray guns would work well enough to vindicate Reagan's vision."

Fact.—Having announced, wrongly, what the system is, that claim is automatically a self-fulfilling prophecy. However, we will agree that, since the President's announcement, all manner of people have jumped out of the woodwork, pushing their favorite "gold watches," are both hurting orderly development of the SDI program and playing into the hands of the anti-SDI emotionalists in the process.

On the other hand, as NASA (National Aeronautics and Space Administration) Deputy Administrator, Dr. Hans Mark—a brilliant physicist in his own right—said, in February 1984, Government Executive—due to the work of "two towering geniuses of 20th-century physics, Albert Einstein and Niels Bohr (for the theories of relativity and quantum mechanics)" the world's engineers (including ominously Soviet ones) now know certain things can be done.

One, he said, is building a ballistic missile defense. While the engineering challenges may be mind-twisting, he concluded, "Whether you can do it or not is simply a matter of whether or not you're willing to make the investment."●

AN INDEPENDENT NATIONAL ARCHIVES

● Mr. PRYOR. Mr. President, I want to take this opportunity to reiterate my strong support for S. 905, a bill to create an independent National Archives and Records Service [NARS]. I am a cosponsor of this important legislation and I'm hopeful that it will soon be brought before the full Senate for consideration.

S. 905 has been favorably reported from the Senate Committee on Governmental Affairs, of which I am a member, and enjoys broad bipartisan support, with 46 sponsors. I would urge my colleagues to carefully examine this legislation and to consider adding their names to the list of cosponsors.

Currently the statutory responsibility for the archival and records management functions of the Government belongs to the General Services Administration [GSA]. Unfortunately, this relationship has not been a desirable one. I believe that is because the missions of GSA, as the purchaser and landlord for the Federal Government are too fragmented to fully meet the needs of the Archives, the protector of our Government's precious historical records.

Mr. President, this bill has the almost universal support of the experts in the field—historians and archivists—who have indicated again and again that an independent Archives and Records Service will bring about a vast improvement in the preservation and use of these documents.

I believe the words of former Archivist James Rhodes, in testimony before the Governmental Affairs Committee on the need for an independent Archives, are of significance:

> The central problem is that many of the objectives, priorities, and motivations of GSA and NARS are simply incompatible. There is no way that an agency dedicated to encouraging scholarly research and other educational and cultural objectives can function effectively as a subordinate component of a business-oriented conglomerate whose primary responsibilities are for construction and maintenance of public buildings, procurement of supplies, and management of motor pools and stockpiles of strategic materials.

Finally, I'd like to mention that 1984 is the 50th anniversary of the creation of the National Archives. I think it is therefore appropriate that the Senate this year take action to protect and foster the heritage of our public documents. We owe it to future generations of Americans to devote professional, specialized attention to the pages of our past.●

RAYMOND BALOUSEK—AN UNSELFISH ACHIEVER

● Mr. LEVIN. Mr. President, I would like to take this opportunity to call to the attention of my colleagues an outstanding individual, Raymond Balousek, a pioneer in the visual communications industry for 52 years.

Ray is chairman and chief executive officer of Producers Color Service, Inc., a multimillion dollar company whose film and video facilities are known and respected across the Nation.

Ray has been involved in Michigan industry since 1932 when he became a member of the pioneering group of men that worked at the Jam Handy Organization in the 1930's and 1940's. His personal contribution to the community began in 1956 when he established a motion picture film laboratory which then expanded to the existing facilities, including the PCS Video Communications Division and Technidisc, one of the few companies in the world involved in the high technology of manufacturing optical laser discs.

Through these corporations donating their services for public service announcements, Ray has made substantial contributions to worthwhile charities such as preventing child abuse, the American Red Cross, Visiting Nurses Association, Leukemia Foundation, American Cancer Society, and Junior Achievement. Ray was also heavily involved in the campaign to enhance and promote the image of the city of Detroit.

Raymond Balousek has contributed to the Michigan community by creating equal employment opportunities not only through his four facilities, but for thousands of freelance people involved in the film and television industry. He has made available to Detroit, the Midwest, and the Nation a wide array of state-of-the-art technology and professional experience and has pledged his life to meeting the changing needs of technology in the film and video industry and serving humanity through his trade.

I am pleased to recognize this outstanding citizen and his contributions.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

OMNIBUS DEFENSE AUTHORIZATION, 1985

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 3204

The PRESIDING OFFICER. The pending question is amendment No. 3204 offered by the minority leader and the Senator from Virginia [Mr. WARNER].

The minority leader is recognized.

Mr. BYRD. Mr. President, this amendment would establish a 3-year commission to study the defense-related aspects of our maritime resources.

It is now apparent that for the benefit of both cloakrooms I do not anticipate using more than 15 minutes, certainly less than 20, after which I will be ready for a vote, if the cloakrooms

would indicate that for our respective colleagues.

Mr. BAKER. Mr. President, will the minority leader indicate whether he intends to ask for the yeas and nays.

Mr. BYRD. Yes. I intend to ask for the yeas and nays.

Mr. BAKER. I thank the Senator.

Mr. TOWER. If the minority leader would yield, I doubt that our response to the presentation of the distinguished minority leader will be in excess of 5 minutes. Therefore, I think that Members should expect a vote in 20 to 25 minutes.

Mr. BYRD. I thank the distinguished manager of the bill.

Mr. President, if the majority leader would like, I will attempt to get the yeas and nays at this point.

Mr. BAKER. Mr. President, I think that would be a good idea and I would join the minority leader in the request.

Mr. BYRD. I thank the majority leader.

Mr. President, I withdraw that request momentarily. I want to make one last change.

Mr. President, both Mr. WARNER and I want to modify the amendment. On page 2, line 2, the word "seven" be changed to "five", so that line 2 would read in part, "The Commission shall be composed of five members." Then on page 2, line 8, under paragraph (c), the first word "five" be changed to "three," so that the amendment would read "Three members appointed by the President." On page 2, line 21, subparagraph 3, the word "four" at the beginning of line 21 be changed to the word "three," so that it would read "Three members of the Commission."

Mr. WARNER. Mr. President, I am in agreement with the modification.

Mr. BYRD. I thank the Senator from Virginia.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3204), as modified, reads as follows:

On page 128, between lines 12 and 13, insert the following new section:

COMMISSION ON MERCHANT MARINE AND DEFENSE

SEC. 1019. (a) There is hereby established a commission to be known as the "Commission on Merchant Marine and Defense" (hereinafter in this section referred to as the "Commission").

(b) The Commission shall study problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the United States merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States to meet the needs for both naval and commercial ship construction and repair in time of war or national emergency. Based on the results of the study, the Commission shall make, as provided in subsection (g), such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements.

(c)(1) The Commission shall be composed of five members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Three members appointed by the President, by and with the advice and consent of the Senate, from among individuals of recognized stature and distinction who by reason of their background, experience, and knowledge in the fields of merchant ship operations, shipbuilding, the steel industry, maritime labor, and defense matters are particularly suited to serve on the Commission.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members appointed under such subsection shall be appointed for the life of the Commission.

(3) Three members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the chairman.

(d) Each member of the Commission appointed under subsection (c)(1)(C) shall be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including traveltime) during which the member is engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f)(1) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the commission in carrying out its duties under this section.

(2) The Secretary of the Navy and the Administrator of the Maritime Administration may provide to the Commission such administrative support services as the Commission may require.

(G) Not later than each of September 30, 1985, September 30, 1986, and September 30, 1987, the Commission shall submit to the President and to the Congress a report containing its findings of fact and its conclusions on the problems relating to the matters specified in the first sentence of subsection (b). Each such report shall include the specific conclusions of the Commission on the adequacy of the maritime and shipbuilding resources available to the United States to meet the requirements for national action relating to such matters in the event of multiple and sustained crises, as those requirements are specified in the latest annual report of the Secretary of Defense to the Congress on the national defense posture. Each such report shall further include, based upon those findings and conclusions, the recommendations of the Commission as specified in subsection (b). Each such report shall be prepared without any prior review or approval by any official of the executive branch (other than the members and staff of the Commission).

(h) The Commission shall cease to exist 90 days after the date on which the final report of the Commission under subsection (g) is submitted to the President and the Congress.

(i) There is authorized to be appropriated for fiscal year 1985, $1,500,000 to carry out this section during such fiscal year.

Mr. BYRD. Mr. President, will the majority leader ask for the yeas and nays?

Mr. BAKER. Mr. President, if the minority would do that, I would join in.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, it is now apparent that both our sealift assets and our shipbuilding base are inadequate to meet the demands imposed by a global war. Recent studies done in the executive branch indicate that the national security implications of the Nation's maritime capacity could be profound. This is particularly true, according to a summary prepared by the Department of the Navy, during the so-called surge phase of a conflict—that is, during the early phases of deployment of combat forces and their logistical support needs. During this critical early period of a conflict, the conclusion has been reached by the Navy that the "current capability * * * meets only about half of the requirement for dry cargo carriage." The Nation's commercial fleet must be relied upon to provide some of the required tonnage, but the Nation's militarily useful commercial fleet is declining at a precipitous rate.

Furthermore, during a conflict, when ship repair and new construction demands are imposed on our shipyard infrastructure, those resources are projected to be inadequate to meet the demands created by a global wartime scenario.

Mr. President, it has been my consistent position that a strong industrial base, and a strong steel industry as a central part of that base, is essential

for our national security. Our industrial base must be revitalized if we want to be fully prepared to meet our national security needs. This Commission would examine one dimension of our national security requirements, and I believe will illustrate the need for a stronger shipbuilding industry—it will, I believe, identify the additional industrial resources we will need to remain strong as a nation.

The United States has, over its history, prided itself as a great maritime nation. Indeed, given our widening global commitments, a healthy maritime infrastructure is absolutely essential to our ability to defend our vital interests and to work with our allies in promoting free world interests.

The legislation before us funds the national defense aggressively. But the entire defense buildup the Reagan program has represented will be ineffective unless we can mobilize and sustain our forces fast enough and long enough to turn back an aggressor without resorting to nuclear war.

Sealift is critical to our ability to prosecute any conventional conflict. Ships would deliver, during any war or national emergency, about 95 percent of all dry cargo and more than 90 percent of all petroleum products. U.S.-flag merchant ships together with ships under government control today would be insufficient to support a Vietnam-sized contingency. Nearly 500 ships were required to support U.S. operations in Vietnam. Today, the combined U.S. private fleet useful for military purposes comprises about 244 general cargo ships. If one adds to this the 180 ships in the mothballed National Defense Reserve Fleet—most of which were built prior to 1946—the total is less than 500. In addition, it should be noted that only 29 of those reserve vessels could put to sea in less than 10 days.

The British experience in the Falklands conflict confirms the lesson that substantial and readily available sealift is critical to the success of military operations on far-flung shores. The Navy conducted an indepth inquiry into the lessons we should learn from the British experience in the Falklands, that study concluded that:

> * * * vast quantities of munitions and other consumables are required for sustained combat, and this is a major concern for U.S. planners. The lack of any single item could influence dramatically a conflict's outcome. * * * While the U.S. Navy has developed plans in conjunction with the Maritime Administration to use merchant ships from trade and the Ready Reserve Force, more effort is required to develop aviation, self-defense and other "naval" systems for merchant ships so employed.

Mr. President, I am concerned that the natural linkage between national security and maritime policy has not been given the priority it deserves. Would the Nation be able to sustain a major war in the Persian Gulf? President Reagan has stated that American policy is to keep the gulf open. If we are engaged by an adversary in the gulf and a conflict develops, could we sustain the logistical system adequate to prevail? Suppose, at the same time, we are drawn into a second conflict in the European theater or in the Far East. Can anyone assure me that we could sustain those operations—and particularly if that should include a war at sea which demands major ship repair and shipbuilding programs on an expeditious basis in the United States?

The purpose of this amendment, which has been offered by Mr. WARNER and me, is to address this question in a thorough way by a high-level Commission. The Commission is directed to study the problems relating to the transportation of cargo and personnel during a time of war or national emergency. It is to assess the capability of our merchant marine to meet those transportation needs, and the adequacy of the shipbuilding and repair base in the United States. Furthermore, the Commission is to match up the trends in our maritime resources with the objectives laid out in the annual report to the Congress by the Secretary of Defense. If the Persian Gulf is judged to be vital to American national interests, for instance, the Commission would make an assessment of the adequacy of our maritime base to deliver on that commitment. The full range of the official policy guidance of the Secretary of Defense on the Nation's essential commitments, then, would be compared with our ability to deliver on those commitments without going to nuclear war.

Based on the results of the study, the Commission would be directed to make specific recommendations to the Congress, for legislative action, to the executive branch, and to the private sector as it sees fit. The goal is to define what is appropriate to foster and maintain a U.S. merchant marine capable of meeting national security requirements.

I note, Mr. President, that a similar amendment has been passed by the House to that body's version of the Defense authorization bill. The amendment which Mr. WARNER and I join in offering today is similar to the House provision, except that the Commission I am proposing would have a 3-year life. Considering the problems that are afflicting our maritime base, I think it appropriate that such a Commission be given an opportunity to assess whether its initial recommendations are having the desired effect, and to suggest further action when those effects become known. In addition, the House Commission's mandate does not require detailed attention to the specific commitments as outlined annually by the Secretary of Defense, although I am sure the authors of the House language intended that such attention be devoted to the range of commitments as outlined by the Secretary annually.

The Commission would be composed of five members, including the Secretary of the Navy, the Administrator of the Maritime Administration, and three members appointed by the President of individuals of stature in the fields of merchant-ship operations, shipbuilding, steel industry, maritime labor, and defense matters who would be particularly suited to serve on the Commission.

Mr. President, it is clear to me that we do not have a maritime policy in this Nation which relates clearly to our national security requirements. I note that in a letter from Secretary Weinberger to Secretary Dole of April 24, 1984, Secretary Weinberger states his concern over the "decline of the U.S. maritime industries over the past several years" and that this decline "has generated significant interest in the merchant marine's capability to support the President's national security objectives." Secretary Weinberger suggests in this letter that the two Departments "jointly develop a statement of national maritime requirements" which would be used "for determining the adequacy of current U.S. maritime policy * * *." Secretary Weinberger goes on to state that with Secretary Dole's help, they "could establish an administration policy that would assure our overall national security." In a fact sheet accompanying the Secretary's letter, Secretary Weinberger suggests that "it is essential that all national security requirements * * * be identified before program and legislative proposals are developed." I find these statements rather disturbing, Mr. President, in that I would have thought such maritime requirements would have been an integral part of Secretary Weinberger's planning process when he formulates his budget and posture statement annually. How else can one guarantee that commitments which are stated, interests which are judged vital to the Nation can be effectively defended? Commitments given must be credible—we must be able to deliver on them.

How else can one guarantee that commitments which are stated, and interests which are judged vital to the Nation, can be effectively defended? Commitments given must be credible, and we must be able to deliver on them.

Mr. President, I thank Mr. WARNER for joining with me in offering this amendment. I thank the distinguished manager of the bill, Mr. TOWER, and the ranking member, Mr. NUNN, who have expressed support for the amendment as well. I urge that the Senate adopt the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I want to commend the distinguished minority leader for taking the initiative. I think it is a vital initiative that must be taken. At the change of command ceremony between retiring Admiral Hayward and incoming Chief of Naval Operations, Admiral Watkins, I devoted my entire address to this very subject. As a matter of fact, the distinguished minority leader has expressed some of the same thoughts far more eloquently, I might add, than I did at the time. I think it is time that we try to arouse an awareness in the public consciousness of the fact that there is a deficiency in considering overall maritime capabilities as a part of national security policy. In fact, we have neglected our merchant marine. And anyone who knows anything about seapower will tell you that combatant vessels are not enough, that you must have a merchant marine to complement that combatant capability. We have established as a matter of national policy that we are going to a 600-ship Navy recognizing the fact that the United States depends on the sealanes of communication all over the world. It seems to me it nets us little to develop a combatant Navy that is capable of defending those sealanes of communication if we do not have the maritime capability to utilize those sealanes of communication. I think that this is a very instructive step.

The distinguished minority leader has alluded to the Falklands experience. I note that the British were able to muster some 50 merchant vessels to provide the logistical support and the combat support for their efforts in the Falklands. We are told by the British that was about the maximum they could marshal and employ; that if they had any further requirements, they would really have been in some difficulty; and, the fact is, the British have a larger merchant marine than the United States. So if we think in those terms, then what the minority leader has said about the Falklands experience is particularly pertinent. We had better learn that lesson.

So I want to commend the minority leader for his initiative and commend my distinguished colleague, Senator WARNER, who is a valued subcommittee chairman on the Armed Services Committee, who has always had a great interest in maritime affairs, for having come forth with this amendment. I certainly intend to support it, and would urge my colleagues to do likewise.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in my brief career in the Senate one of my greatest privileges has been my association with the distinguished minority leader on several pieces of legislation, and now this effort on behalf of what I would regard as an extremely important goal in our overall national defense policy. The deficiencies in the American merchant marine could well be the Achilles' heel of any military operation that we may be forced to conduct in the defense of our Nation.

Indeed, I commend the distinguished chairman of the Armed Services Committee. I was present at Annapolis when the Senator from Texas gave his remarks at the change of command of the Chief of Naval Operations, and indeed, he did at that time, as have many others, set forth the problems with respect to the American merchant marine as they relate to any military operations of a major scale that this Nation may undertake at some future time.

This is a subject that I worked on as Secretary and Under Secretary of the Navy for over 5 years while in the Department of Defense. I remember so well the end of World War II, when the U.S. merchant fleet was the largest in the world. However, in the years since 1950 there has been a steady decline in the merchant marine, and shipbuilding and repair base as elements of our U.S. seapower.

This decline and its impact on defense-sealift capability has been the subject of much concern among military planners who understand the critical necessity for our ability to move large numbers of men and supplies long distances if we are to demonstrate an ability to respond to any number of emergencies worldwide.

We must always remember that the first line of the United States today is a forward-deployed defensive network.

This amendment will create a commission to study the defense-related aspects of the U.S. Merchant Marine and our shipbuilding and repair mobilization base.

Based upon its study, the commission will make specific recommendations to the President and to the Congress for legislative, executive, and private-sector actions to enhance the capabilities of the maritime industry to satisfy national security requirements.

This language is included in the House version of the Department of Defense authorization bill, H.R. 5167, and is based on legislation introduced in the House by Representative CHARLES BENNETT of Florida.

Previously, I introduced companion legislation in the Senate. Now I join with my distinguished colleague from West Virginia in this bill as amended today to reflect certain recommendations that I put forward.

In their military posture statement for fiscal year 1984 the Joint Chiefs of Staff said:

> Successful response to global contingencies depends upon sufficient mobility assets to project combat forces rapidly and sustain them in the theater as long as necessary to meet U.S. objectives. In general, airlift will transport deploying forces during the early days of a crisis until sealift begins to arrive. These movements will include personnel and equipment to use prepositioned stock. As the crisis progresses, sealift will provide the vital sustaining power for deployed forces, and will ultimately account for 90–95 percent of the total cargo delivered over an extended period.

The military strategy of the United States is one of forward deployment. We use the oceans as barriers and as avenues for protecting our interests abroad.

To accomplish this, we must depend on overseas allies, forward deployed military forces and the mobility to respond to crisis around the world.

The JCS 1984 posture statement goes on to say that:

> Ships from the U.S. Merchant Marine represent the single largest domestic source of this sealift. The U.S. relies on the nation's merchant marine as a strategic resource.

For the deployment of U.S. forces, the United States must depend on U.S flag shipping.

The British operation in the Falklands was dramatically dependent upon sealift capability provided by their merchant fleet. It is interesting that the ratio in the Falklands campaign between British warships and British merchant ships was four merchant ships for every British warship. Indeed, we recall with somewhat of a tinge of romantic nostalgia that the British had to take the *QE II* out of passenger service and reconfigure it very quickly as a troop transport in that engagement.

This Commission will also have the responsibility of investigating our ability to construct and repair vessels during a national emergency.

That is a very important provision that the minority leader and I have included in this bill. If we are to have a merchant marine afloat, we must have the facilities ashore to repair those ships as well as construct new ones in the time of need.

This includes not only the shipyards and ship repair facilities, but the supplier base required to efficiently manufacture equipment, supplies, and spare parts for the merchant fleet.

In my judgment, this Commission, representing the broadest of experience and expertise in the maritime, military and economic matters affecting the U.S. flag fleet, the maritime unions, and our shipyards, can contribute to a resolution of the problems that have beset the U.S. maritime industry, and, therefore, the sealift capability of the U.S. Armed Forces.

Mr. President, I strongly encourage our colleagues to give it wholehearted support.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I too would like to commend the Senator

from West Virginia, and I would ask the Senator from West Virginia if he could add me as a cosponsor to this amendment which I think is an enormously important step forward in putting the spotlight on the deficiency, and perhaps even a critical deficiency in our ability to sustain our forces abroad. Will the Senator from West Virginia permit me to be a cosponsor?

Mr. BYRD. I would be delighted. I ask unanimous consent that Mr. NUNN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, the Senator from Georgia will be added as a cosponsor.

Mr. NUNN. I thank the Senator from West Virginia. I would say further, Mr. President, that I have cosponsored on one occasion and sponsored on one occasion a bill that was initiated in the House by Congressman CHARLIE BENNETT, who has taken a vigorous lead in this subject. The Senator from Virginia has taken a vigorous lead in this subject. I think it is very important and I believe this Commission will be able, hopefully, to come forward with some ideas about what we do about a problem that we all acknowledge is very serious, and a problem that is growing. I think the dialog here this morning has been enlightening. I hope our colleagues will focus on that dialog, because the revelations about the British dependency in the Falklands on merchant ships, the revelations the Senator from West Virginia made about the comparison of our capability today when it is compared to what we had in the 1970's, late 1960's, when we were engaged in Vietnam, I think is also a very revealing disclosure. I think the dialog has been very helpful.

So I urge our colleagues to support this amendment.

Mr. BYRD. Mr. President, again, I thank the distinguished Senate majority and ranking manager for his support and for his cosponsorship. I ask unanimous consent that the name of Mr. MITCHELL and Mr. KASTEN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, with the concurrence of the minority leader, I should like also to add the names of the Senator from Maine [Mr. COHEN] and the junior Senator from Virginia [Mr. TRIBLE] as cosponsors. I ask unamimous consent that either of those Senators may be permitted at an appropriate time today to submit for the RECORD their statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I join in recognizing the value of the contributions the minority leader and the ranking manager, the Senator from Georgia [Mr. NUNN], have made to this matter.

Mr. MURKOWSKI. Mr. President, may I be added as a cosponsor?

Mr. BYRD. We would be delighted to have the name of the Senator from Alaska also. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The names of Senators GLENN, THURMOND, and RANDOLPH, were added as cosponsors of the amendment (No. 3204), as modified.

Mr. BYRD. Mr. President, I thank the manager of the bill [Mr. TOWER] for his eloquent support of this amendment. I also thank the distinguished Senator from Virginia [Mr. WARNER] again for joining as a cosponsor, the leading cosponsor, of this amendment. I also thank Mr. WARNER for his kind remarks included in his overall statement of support of the amendment.

Mr. WARNER. Mr. President, again, I thank the distinguished minority leader.

Mr. President, I ask unanimous consent that the distinguished senior Senator from Alaska [Mr. STEVENS] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate?

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota [Mr. ANDREWS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Missouri [Mr. DANFORTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Arizona [Mr. GOLDWATER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Iowa [Mr. JEPSEN], the Senator from Nevada [Mr. LAXALT], the Senator from Maryland [Mr. MATHIAS], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. FORD], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote "yea."

The PRESIDING OFFICER [Mr. GORTON]. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 80, nays 5—as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—80

Abdnor	Biden	Burdick
Armstrong	Bingaman	Byrd
Baker	Boren	Chafee
Baucus	Bradley	Chiles
Bentsen	Bumpers	Cochran
Cohen	Helms	Pell
Cranston	Hollings	Pressler
D'Amato	Huddleston	Pryor
DeConcini	Johnston	Randolph
Denton	Kassebaum	Roth
Dixon	Kasten	Sarbanes
Dodd	Kennedy	Sasser
Dole	Lautenberg	Simpson
Durenberger	Leahy	Specter
Eagleton	Levin	Stafford
East	Long	Stennis
Evans	Lugar	Stevens
Exon	Matsunaga	Thurmond
Garn	Mattingly	Tower
Glenn	McClure	Trible
Gorton	Melcher	Tsongas
Grassley	Mitchell	Wallop
Hatch	Moynihan	Warner
Hatfield	Murkowski	Weicker
Hawkins	Nickles	Wilson
Hecht	Nunn	Zorinsky
Heflin	Packwood	

NAYS—5

Humphrey	Quayle	Symms
Proxmire	Rudman	

NOT VOTING—15

Andrews	Goldwater	Laxalt
Boschwitz	Hart	Mathias
Danforth	Heinz	Metzenbaum
Domenici	Inouye	Percy
Ford	Jepsen	Riegle

So the amendment (No. 3204) as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that any Senator who wishes to do so—and Mr. WARNER joins me in this respect—may add his name as a cosponsor of the amendment which was just adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that the name of the Senator from Mississippi [Mr. STENNIS], who has been interested in the defense and merchant marine areas for his entire career, be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, Senator STENNIS has an amendment now that we would like to take up. We also have an amendment on risk reduction, which has been cleared. The Senator and I have discussed it, and I hope we can take it up next. The second amendment will require a rollcall vote. I see the Senator from New Jersey on the floor. I suggest that we proceed to the Senator's amendment, followed by the Nunn-Warner amendment.

Mr. WARNER. If the distinguished ranking minority Member and Mr. STENNIS will agree, can we accommodate one Member on my side who has to catch an airplane in 30 minutes?

Mr. NUNN. About how long will it take?

Mr. DURENBERGER. I will not take more than 3 minutes.

Mr. NUNN. I ask the Senator from Mississippi if that meets with his approval.

Mr. STENNIS. Yes.

AMENDMENT NO. 3220

Mr. DURENBERGER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER], for himself and Mr. DOLE, proposes an amendment numbered 3220.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Stike out line 21 on page 55 through line 5 on page 57 and insert in lieu thereof the following:

STUDY OF LINKAGE OF CHAMPUS WITH MEDICARE

SEC. 163. The Congress finds—

(1) that costs of providing medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) have escalated rapidly in recent years;

(2) that new and innovative methods for control and containment of CHAMPUS costs must be explored; and

(3) that the adoption by CHAMPUS of a prospective payment system like that utilized by Medicare may offer significant savings by CHAMPUS.

Therefore, the Secretary of Defense and the Secretary of Health and Human Services are directed jointly to study the possible effects of the adoption by CHAMPUS of a prospective payment system such as that utilized by Medicare. The study also shall address the advisability and feasibility of statutorily linking provider participation in Medicare with participation by CHAMPUS and whether such a linkage is needed in order to insure adequate provider participation in CHAMPUS if CHAMPUS were to adopt a prospective payment system and address the changes that might be expected in the CHAMPUS patient workload and the CHAMPUS aggregate payment levels to various segments of the provider community, including private, public, non-profit, and teaching facilities, if such a system were adopted. The Secretaries shall report their findings to the Committees on Armed Services of the Senate and House of Representatives, the Senate Finance Committee, and the House Ways and Means Committee before March 1, 1985, and such report shall include recommendations on changes believed to be appropriate in the CHAMPUS system of reimbursement and on the need for and appropriateness of a linkage between CHAMPUS and Medicare.

Mr. DURENBERGER. Mr. President, most of us do not think of the Defense authorization bill as a natural forum of deciding important national health policy issues. Yet, section 163 of this bill amends the medicare program—our health care program for the elderly and disabled—in an attempt to contain CHAMPUS costs.

The stage was set for this action in last year's Defense Authorization Act, when the Senate receded to the House on a provision that allows CHAMPUS to utilize medicare payment methods. As my colleagues know, a new medicare prospective payment system for hospitals was instituted last October. This payment system, based on diagnosis-related groups, or [DRG's], is being phased in over 3 years. It is a program designed for medicare, and it should not be extended to CHAMPUS.

Medicare's payment amounts under prospective payment reflect the historical cost of services provided to a beneficiary population whose inpatient care needs are very different from those of CHAMPUS beneficiaries. Of the medicare population, 37 percent are age 75 and older, 53 percent are age 65 to 74, and 10 percent are totally disabled. Nationally, the average length of stay for most DRG category patients age 65 or older has exceeded that of patients under age 65 by almost 4 days. It is these substantial and, to taxpayers, costly differences that should be examined before extending the new medicare systems to CHAMPUS recipients.

Section 163 of this year's authorization bill only compounds the problem. In amending title XVIII of the Social Security Act, the authorization bill would require that hospitals and other institutions which participate in medicare would also have to participate in CHAMPUS. Not only would they be required to participate in CHAMPUS, but they would be required to accept, as payment in full for services provided to a CHAMPUS beneficiary, the amount that medicare would pay had the hospital services been provided to a medicare beneficiary.

In other words, hospitals that participate in medicare would be forced to accept CHAMPUS beneficiaries at medicare payment rates. This is a hasty move. If CHAMPUS wants to develop a prospective payment system, it should be based strictly on the cost experience of its own beneficiaries. Furthermore, participation in medicare should not be tied to participation in CHAMPUS. A CHAMPUS payment system should stand on its own; hospitals should be free to accept or reject any proposed rates. A competitive, price-sensitive hospital market will develop only if purchasers like medicare, CHAMPUS, Blue Cross, commercial insurers, and HMO's negotiate and establish their own payment rates with hospitals.

My amendment directs the Secretary of Defense and the Secretary of Health and Human Services to study the issue of prospective payment for CHAMPUS and any possible linkage between CHAMPUS and medicare. Their findings shall be reported to the Congress by March 1, 1985. This is the only sensible way to proceed: Get the information first, and then make a decision.

In conclusion, I express my appreciation to the Committee on Armed Services, its leadership and staff, for their sensitivity to the issues of health care cost containment as well as the quality of care for members of the armed services and their families. We are all in this issue together, and the sponsors of this amendment, Senator DOLE and I, appreciate this cooperation.

Mr. President, I believe this amendment has been cleared with the majority and minority staffs.

Mr. WARNER. We have cleared this amendment, Mr. President.

Mr. NUNN. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3220) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I say to the Senator from Virginia that we have a request. I ask the Senator from Mississippi for his attention. We have a couple of Members who will have to leave about a quarter to 1. We have one more rollcall vote of which I know. We cannot give assurances that we will not have more than one. That would be on the risk reduction proposal. I hope the amendment by Senator STENNIS will not require a rollcall vote. That remains to be determined.

I suggest to my colleagues that if we can take the risk reduction proposal up now, which I do not believe will be controversial but will require a rollcall vote, we might complete that and start the rollcall vote about a quarter to 1, which would accommodate a couple of Senators.

Mr. WARNER. Mr. President, I concur in the observation of the Senator from Georgia that Members have schedules to meet, and I am agreeable, if the Senator from Mississippi is.

Mr. STENNIS. Entirely so.

Mr. WARNER. Mr. President, it is my understanding that we will now proceed with the Nunn-Warner amendment.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3221

(Purpose: Expressing the support of the Senate for the expansion of confidence building measures between the United States and the Union of Soviet Socialist Republics, including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers)

Mr. NUNN. Mr. President, I send a Senate resolution to the desk and ask that it be considered in the appropriate section of the bill as an amendment.

The PRESIDING OFFICER. As an amendment to this bill?

Mr. NUNN. As an amendment to this bill.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Georgia (Mr. NUNN) (for himself, Mr. WARNER, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. PERCY, Mr. GORTON, Mr. COHEN, Mr. EXON, Mr. LUGAR, Mr. QUAYLE, Mr. PRESSLER, Mr. HEINZ, Mr. PRYOR, Mrs. KASSEBAUM, and Mr. LAUTENBERG) proposes an amendment numbered 3221.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

Since an increasing number of scenarios, including misjudgment, miscalculation, misunderstanding, possession of nuclear arms by a terrorist group or a state sponsored threat, could precipitate a sudden increase in tensions and the risk of a nuclear confrontation between the United States and the Union of Soviet Socialist Republics, situations that neither side anticipated, intended, or desired;

Since there has been a steady proliferation throughout the world of the knowledge, equipment, and materials necessary to fabricate nuclear weapons;

Since this proliferation of nuclear capabilities suggests an increasing potential for nuclear terrorism, the cumulative risk of which, considering potential terrorist groups and other threats over a period of years into the future, may be great;

Since the current communications links represent equipment of the 1960's and as such are relatively outdated and limited in their capabilities;

Since Senators JACKSON, NUNN, and WARNER sponsored an amendment adopted by the Senate to the 1983 Deaprtment of Defense authorization proposing certain confidence building measures;

Since President Reagan, responding to congressional initiatives, proposed the establishment of additional and improved communications links between the United States and the Union of Soviet Socialist Republics and other measures to reduce the risk of nuclear confrontation, and has initiated discussions at a working level with the Soviet Union covering:

(a) The addition of a high speed facsimile capability to the direct communication link (hotline);

(b) The creation of a joint military communications link between the United States Department of Defense and the Soviet Defense Ministry;

(c) The establishment by the United States and Soviet Governments of high rate data communication links between each nation and its embassy in the other nation's capital.

Since the establishment of nuclear risk reduction centers in Washington and Moscow could reduce the risk of increased tensions and nuclear confrontations thereby enhancing the security of both the United States and the Soviet Union;

Since these centers could serve a variety of functions including: (a) discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties; (b) maintaining close contact during nuclear threats or incidents precipitated by third parties; (c) exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by subnational groups; (d) exchanging information about United States-Union of Soviet Socialist Republics military activities which might be misunderstood by the other party during periods of mounting tensions; and (e) establishing a dialog about nuclear doctrines, forces, and activities;

Since the continuing and routine implementation of these various activities could be facilitated by the establishment within each Government of facilities, organizations, and bureaucratic relationships designated for these purposes, such as risk reduction centers, and by the appointment of individuals responsible to the respective head of state with responsibilities to manage such centers: Now, therefore, be it

Declared, That the Senate of the United States commends the President for his announced support for the aforementioned confidence building measures, and his initiation of negotiations which have occurred and urges the President to pursue negotiations on these measures with the Government of the Soviet Union, and to add to these negotiations the establishment of nuclear risk reduction centers in both nations, to be operated under the direction of the appropriate diplomatic and defense authorities.

Mr. NUNN. Mr. President, I shall try to abbreviate my remarks, but I do not want to diminish the importance that I attach to this subject.

I rise in support of this amendment, a resolution supporting the creation of nuclear-risk reduction centers. This resolution is cosponsored by many Senators. The original cosponsors are Senators WARNER, BRADLEY, HOLLINGS, SASSER, and myself, as well as Senators PERCY, GORTON, COHEN, EXON, LUGAR, QUAYLE, PRESSLER, HEINZ, PRYOR, KASSEBAUM, LAUTENBERG, CHILES, FORD, ANDREWS, INOUYE, BINGAMAN, ROTH, LEAHY, LEVIN, HEFLIN, RIEGLE, CRANSTON, ABDNOR, COCHRAN, EVANS, DURENBERGER, and HART.

Mr. President, Senator WARNER, myself, Senator BRADLEY, and our late and beloved colleague, Senator Jackson, have worked on this matter for a long time. Also, Senator PERCY has worked very carefully with us as well Senator PELL and others of the Foreign Relations Committee.

This resolution is the result of several years of study. In 1981, after a hearing we had had in closed session in the Armed Services Committee, I asked the Strategic Air Command, then under the command of General Richard Ellis, to undertake a study of the dangers of accidental nuclear war triggered by a third party. By third party I mean someone other than the two superpowers. The SAC study concluded that there are real and growing dangers in this area. Most of the study was classified. Some portions of it have been released. It showed that the United States and the Soviet Union may not have the capability to determine, in some instances, the country of origin of a third party attack and do not have adequate warning and detection systems to deal with unconventional type attacks.

In 1982, Senator JOHN WARNER, the late Senator Henry Jackson, and I introduced an amendment to the Defense Authorization Act requiring the Defense Department to evaluate several proposals aimed at reducing the risk of nuclear confrontations. Later that year, Senator WARNER and I organized the Working Group on Nuclear Risk Reduction.

I ask unanimous consent that the report of the Working Group, along with the text of S.Res. 329, the letter that Senator WARNER and I sent to the President in November 1983, and the Senate Foreign Relations Committee Report, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr President, In early 1983, a Defense Department study prompted by the Jackson-Warner-Nunn amendment was released. It recommended that the existing United States-Soviet "hot line" be upgraded with a facsimile link, that an additional communications channel be installed between the Pentagon and the Soviet Defense Ministry, and that high speed communications links be established between each Government and its Embassy in the other's capital. These proposals were endorsed by President Reagan in May 1983. They are now the subject of discussions between the two Governments.

With but few exceptions, the United States and the Soviet Union have been able to avoid confrontations entailing the risk of nuclear war. There are compelling reasons, however, for concern about the ability of the two nations to avoid nuclear crises in the future.

The global ideological and political struggle between ourselves and the Soviet Union is superimposed on an increasingly fractious and troubled world. International and national conflicts—particularly in the Third World—offer tempting opportunities for military or political exploitation and often lead to the involvement of the great powers on opposing sides of

these disputes. In certain circumstances, such interventions have the potential to escalate to nuclear confrontations.

There are an increasing number of circumstances that could precipitate the outbreak of nuclear war that neither side anticipated nor intended, possibly involving other nuclear powers or terrorist groups. There has been a relentless dispersion of the know-how, equipment and materials necessary to fabricate nuclear devices.

This spread of nuclear know-how, equipment and materials also suggests a rising danger of nuclear terrorism. While the specific risk that in any one year any particular subnational group or rogue national leader might acquire a nuclear device is, no doubt, a low probability, the cumulative risk covering all such groups over 10 or 20 years may be very great indeed. Once in the hands of such an individual or group, the potential for lawlessness would be unlimited—including extortion, revenge, or an attempt to trigger a nuclear conflict between the superpowers.

In our view, the dangers implicit in this partial catalogue of potential nuclear flashpoints indicates the necessity of the two great powers initiating discussions aimed at establishing an explicit and comprehensive system for the prevention and containment of nuclear crises.

The proposals put forward by President Reagan are positive steps toward the development of a comprehensive system to assure the avoidance of nuclear confrontations. But there are also crucial political aspects to the problem of preventing nuclear crises. These elements can be addressed only through more comprehensive arrangements involving the designation of particular representatives and facilities in both nations that would be assigned specific responsibilities for presenting nuclear crises.

To begin, the United States and the Soviet Union might agree to establish separate national nuclear risk reduction centers in their respective capitals. These centers would maintain a 24-hour watch on any events with the potential to lead to nuclear incidents.

The nuclear risk reduction centers would have to be linked directly—both through communications channels and organizational relationships—to relevant political and military authorities. Thought might also be given to the assignment of liaison officers to the counterpart center in each capital. If this practice proved successful, it might be possible at some future time to move toward jointly manned centers in the two capitals of both our country and the Soviet Union.

An alternative arrangement would envision the creation of a single center, staffed by military and civilian representatives of the two nations, at a neutral site. Such an arrangement might facilitate closer cooperation between the United States and the U.S.S.R., but at the cost of diminished access between the surveillance center and the two Governments themselves at least this could be considered. This and other trade-offs between these two potential arrangements require more study.

Each center would be manned by a series of watch officers who would report through normal military and political channels. In addition, each side would designate a specific high level official to direct its center and to carry out those specific negotiations and exchanges of information as were agreed to in establishing the centers. Procedures would be established to assure that in the event of an emergency, the designated representatives would have direct access to each nation's highest political authority.

Direct communications links would be established between the two centers. These should definitely include print and facsimile channels. Consideration might also be given to the establishment of voice, and perhaps even teleconferencing facilities, as well. There are obvious dangers in such real-time communications, including the greater difficulty of intragovernmental coordination and a greater risk of imprecision or misunderstanding, but these may be offset by the far more rapid exchange and large amounts of information which would become possible. All of these things must be considered.

The establishment of these centers could contribute significantly to a reduced risk of nuclear incidents. They could be used for a range of functions, most of which would take place routinely in normal times, and would be designed to reduce the danger of nuclear terrorism, to build confidence between the two sides, and to avoid the build-up of tensions that could lead to confrontation. It would probably be best to define the functions of the nuclear centers narrowly at first, expanding them as experience demonstrated the value of the enterprise.

Among the potential functions of the centers would be the following:

First, to discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons;

Second, to maintain close contact during incidents precipitated by nuclear terrorists;

Third, to exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons, or the materials and equipment necessary to build weapons, by subnational groups.

Fourth, to exchange information about military activities which might be misunderstood by the other party during periods of mounting tensions;

Fifth, to establish a dialog about nuclear doctrines, forces, and activities;

Mr. President, this proposal is not an instant formula for solving all the problem areas in U.S.-Soviet relations. Our nations will continue to have important differences—political differences, human rights differences, economic differences, arms control differences, and differences in a host of other areas.

Despite these significant differences, our nations do have certain mutual interests. At the top of that list should be the prevention of accidental nuclear war, war by miscalculation, or war triggered by a third country or terrorist group. This proposal represents an important step toward achieving that goal—a goal that is vital for the future of the entire world. I hope that my colleagues will join the cosponsors of this resolution in supporting the creation of nuclear risk reduction centers.

EXHIBIT 1

SENATE RESOLUTION 329—RELATING TO NUCLEAR RISK REDUCTION CENTERS

Mr. NUNN. (for himself, Mr. WARNER, Mr. BRADLEY, Mr. HOLLINGS, and Mr. SASSER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 329

Whereas, an increasing number of scenarios, including misjudgment, miscalculation, misunderstanding, possession of nuclear arms by a terrorist group or a state sponsored threat, could precipitate a sudden increase in tensions and the risk of a nuclear confrontation between the U.S. and the U.S.S.R., situations that neither side anticipated, intended, or desired;

Whereas, there has been a steady proliferation throughout the world of the knowledge, equipment, and materials necessary to fabricate nuclear weapons;

Whereas this proliferation of nuclear capabilities suggests an increasing potential for nuclear terrorism, the cumulative risk of which, considering potential terrorist groups and other threats over a period of years into the future, may be great;

Whereas the current communications links represent equipment of the 1960's and as such are relatively outdated and limited in their capabilities;

Whereas Senators Jackson, Nunn, and Warner sponsored an amendment adopted by the Senate to the 1983 Department of Defense Authorization proposing certain confidence building measures; and

Whereas President Reagan, responding to Congressional initiatives, proposed the establishment of additional and improved communications links between the U.S. and the U.S.S.R. and other measures to reduce the risk of nuclear confrontation and has initiated discussions at a working level with the Soviet Union covering:

(a) The addition of a high speed facsimile capability to the direct communication link (hotline);

(b) The creation of a joint military communications link between the U.S. Department of Defense and the Soviet Defense Ministry; and

(c) The establishment by the U.S. and Soviet governments of high rate data communication links between each nation and its embassy in the other nation's capital.

Whereas the establishment of nuclear risk reduction centers in Washington and Moscow could reduce the risk of increased tensions and nuclear confrontations thereby enhancing the security of both the United States and the Soviet Union;

Whereas, these centers could serve a variety of functions including: (a) discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties; (b) maintaining close contact during nuclear threats or incidents precipitated by third parties; (c) exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by sub-national groups; (d) exchanging information about U.S.-U.S.S.R. military activities which might be misunderstood by the other party during periods of mounting tensions; and (e) establishing a dialogue about nuclear doctrines, forces and activities; and

Whereas the continuing and routine implementation of these various activities could be facilitated by the establishment within each government of facilities, organizations and bureaucratic relationships designated for these purposes, such as risk reduction centers, and by the appointment of individuals responsible to the respective head-of-state with responsibilities to manage such centers. Now, therefore, be it

Resolved, That the Senate of the United States commends the President for his announced support for the aforementioned confidence building measures, and his initiation of negotiations which have occurred and urges the President to pursue negotiations on these measures with the Government of the Soviet Union, and to add to these negotiations the establishment of nuclear risk reductions centers in both nations.

RISK REDUCTION CENTERS

Mr. NUNN. Mr. President, as in morning business, I rise to introduce a resolution on behalf of Senator Warner, Senator Bradley, and myself, as well as Senator Hollings and Senator Sasser expressing the support of the Senate for the expansion of confidence-building measures between the United States and the Soviet Union. Specifically, we encourage the establishment of nuclear risk reduction centers in both Washington and Moscow.

We live in a world that has grown more dangerous as the knowledge, equipment and materials necessary to build nuclear weapons have proliferated throughout the globe. In such a world, the danger of a nuclear confrontation between the superpowers has multiplied dramatically. Such a confrontation could be triggered by misjudgement, miscalculation or accident. It could be precipitated by the deliberate act of a terrorist group or a nation that possesses nuclear weapons.

Under these conditions, the superpowers have a clear, mutual interest in monitoring nuclear activity and taking positive steps to insure that any nuclear incidents that occur do not lead to a confrontation.

Senator Warner, our late beloved colleague Senator Jackson and I have been concerned about this problem for several years. In early 1981, I requested that Gen. Richard Ellis, then commander of the Strategic Air Command, undertake an evaluation of the possibility of a third party triggering a superpower nuclear exchange under a variety of scenarios. This SAC evaluation showed that there are real and developing dangers in this area.

In 1982, Senator Warner and I joined with Senator Jackson in introducing an amendment to the Defense Authorization Act requiring the Defense Department to evaluate several proposals aimed at reducing the risk of nuclear confrontations. Early last year, a DOD study required by this legislation recommended that the existing U.S.-Soviet hotline be upgraded with a facsimile link, that an additional communcations channel be installed between the Pentagon and the Soviet Defense Ministry, and that high speed communications links be established between each government and its embassy in the other's capital. These proposals were endorsed by President Reagan in May 1983 and are under active negotiations with the Soviet Union.

Senator Warner and I also organized a working group on nuclear risk reduction in November 1982 to examine alternative means of reducing the risk of nuclear war. This group is composed of a number of outstanding experts in the national security and intelligence arena. They include: Gen. Richard Ellis, former SAC Commander, Dr. William Hyland, Adm. Bobby Inman (Ret.), Dr. William Perry, Dr. Donald Rice, Dr. James Schlesinger, Gen. Brent Scowcroft (Ret.), and Dr. Barry Blechman. The working group's report, which was released on November 23, 1983, emphasized the increasing number of scenarios that could precipitate the outbreak of a nuclear war that neither side anticipated or intended, possibly involving other nuclear powers or terrorist groups. To address that risk, the report proposed the establishment of nuclear risk reduction centers in Washington and Moscow to maintain a 24-hour watch on any events with the potential to lead to nuclear incidents. These centers would be designed to reduce the danger of nuclear terrorism, to build confidence between the two sides and to avoid the buildup of tensions that could lead to confrontation.

Mr. President, I request that the report of the working group along with the accompanying letter from Senator WARNER and myself to President Reagan be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 23, 1983.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We understand that there have already been working level discussions with Soviet representatives in Moscow on your May 24, 1983 proposals to upgrade the "Hot Line" and to create new communications channels between the U.S. and U.S.S.R. We applaud this attempt to improve our ability to communicate quickly and effectively with Soviet leaders. If implemented successfully, these could be important steps toward a better capability to avoid or, if necessary, to control nuclear crises.

As you know, in late 1982 we organized a working group to examine methods of reducing the risk of nuclear war. The group's members have considerable experience at the highest levels of our government; they include General Richard Ellis (Ret.), Mr. William Hyland, Admiral Bobby Inman (Ret.), Dr. William Perry, Dr. Donald Rice, Dr. James Schlesinger, General Brent Scowcroft, and Dr. Berry Blechman. The working group has been meeting regularly, and has previously provided you with our comments on the DOD report which was the basis for the May 24 announcement. We would like to now provide you with our report on ways to establish a more comprehensive nuclear risk reduction system.

We believe that, in addition to the communications links mentioned above, it would be beneficial to explore with Soviet leaders the possibility of establishing a more comprehensive nuclear risk reduction system, featuring the establishment of independent centers in the two capitals. The outlines and functions of such a system are described in the attached report of the working group which we co-chair. We respectfully commend it to your attention.

The 1971 U.S.-Soviet "Accidents Measures" Agreement provides for consultation between the two nations on proposals that would reduce the risk of accidental nuclear war. We would suggest, therefore, that the establishment of a nuclear risk reduction system be proposed under the terms of the 1971 Treaty in the Standing Consultative Commission—the agreed forum for discussions related to the agreement. There would be several advantages to raising it in that body, not least of which would be its confidentiality.

We are looking forward to continued close cooperation with you and your administration to further develop, evaluate and implement steps to reduce nuclear risks.

Sincerely,

SAM NUNN.
JOHN W. WARNER.

A NUCLEAR RISK REDUCTION SYSTEM

(Report of the Nunn/Warner Working Group on Nuclear Risk Reduction)

With but few exceptions, the United States and the Soviet Union have been able to avoid confrontations entailing the risk of nuclear war. There are compelling reasons, however, for concern about the two nations' ability to avoid nuclear crises in the future.

The emergence of the U.S. and the U.S.S.R. at the end of the Second World War as the only two remaining great military powers virtually assured a continuing national rivalry that would dominate global politics. The fundamental antagonisms in values and objectives between the United States and the Soviet Union continue to make certain that, regardless of their common recognition of some shared interests (such as avoiding nuclear war), the relationship will remain competitive for many years to come.

The global ideological and political struggle between ourselves and the Soviet Union is superimposed on an increasingly fractious and troubled world. International and national conflicts—particularly in the Third World—offer tempting opportunities for military or political exploitation and often lead to the involvement of the great powers on opposing sides of these disputes. In certain circumstances, such interventions have the potential to escalate to nuclear confrontations.

The 1973 crisis in the Middle East vividly demonstrated how quickly, and how far such situations can escalate. The two great powers' involvement began with emergency transfers of weapons, shifted rapidly to the use of their own air and naval forces to protect those shipments, and ended with mutual threats of direct military intervention to protect their respective clients. At

the height of the crisis, there were even hints that such interventions might include, or eventually escalate to, the use of nuclear weapons.

There are an increasing number of circumstances that could precipitate the outbreak of nuclear war that neither side anticipated nor intended, possibly involving other nuclear powers or terrorist groups. There has been a relentless dispersion of the know-how, equipment and materials necessary to fabricate nuclear devices. In addition to the five declared nuclear powers, two more nations—India and Israel—are assumed to be in a position to assemble a weapon on short notice, and may already have covert stocks of nuclear devices. India, of course, has already detonated one device.

These threshold nuclear powers may be joined by at least one, and possibly two, more nations (Pakistan and South Africa) before the end of this decade. Perhaps as many as five others (Argentina, Brazil, Iraq, South Korea and Taiwan) could be in a similar position before the year 2000. Stil other countries, such as Germany, Japan and Sweden, have the financial, industrial, and technological potential to fabricate nuclear weapons; they lack only the political will to do so.

At the request of Senator Nunn, General Richard Ellis, when he was commander of the Strategic Air Command, undertook an evaluation of the possibility of a third party triggering a superpower nuclear exchange under a variety of scenarios. Unfortunately, this SAC evaluation showed that there are real and developing dangers in this area.

The spread of nuclear know-how, equipment, and materials also suggests a rising danger of nuclear terrorism. While the specific risk that in any one year any particular sub-national group or rogue national leader might acquire a nuclear device is, no doubt, a low probability, the cumulative risk covering all such groups over ten or twenty years may be very great indeed. Once in the hands of such an individual or group, the potential for lawlessness would be unlimited—including extortion, revenge, or an attempt to trigger a nuclear conflict between the superpowers.

In our view, the dangers implicit in this partial catalogue of potential nuclear flashpoints indicates the necessity of the two great powers initiating discussions aimed at establishing an explicit and comprehensive system for the prevention and containment of nuclear crises.

RECENT PROPOSALS AND STUDIES

In 1982, Senators Sam Nunn (D-Ga), John Warner (R-Va), and the late Senator Henry Jackson (D-Wa), introduced an amendment to the Defense Authorization Act requiring the Defense Department to evaluate several proposals aimed at reducing the risk of nuclear confrontations. Later that year, Senators Nunn and Warner organized the Working Group on Nuclear Risk Reduction.

In addition to the two Senators who serve as co-chairmen, the working group includes eight former civilian and military officials and technical experts. William Hyland, a senior associate at the Carnegie Endowment, serves as the group's Secretary. The other members are James Schlesinger, the former Secretary of Defense; Brent Scowcroft, President Ford's National Security Advisor; General Richard Ellis, former Commander of the Strategic Air Command; Bobby Inman, formerly Deputy Director of Central Intelligence; William Perry, formerly Under Secretary of Defense for Research and Engineering; Don Rice, President of the Rand Corporation; and Barry Blechman, a senior fellow at the Georgetown Center for Strategic and International Studies.

In early 1983, a Defense Department study prompted by the previously mentioned legislation was released. It recommended that the existing U.S.-Soviet "Hot Line" be upgraded with a facsimile link, that an additional communications channel be installed between the Pentagon and the Soviet Defense Ministry, and that high speed communications links be established between each government and its embassy in the other's capital. These proposals were endorsed by President Reagan in May. They are now the subject of discussions between the two governments.

The proposals put forward by President Reagan are positive steps toward the development of a comprehensive system to assure the avoidance of nuclear confrontations. But there are also crucial political aspects to the problem of preventing nuclear crises. These elements can be addressed only through more comprehensive arrangements involving the designation of particular representatives and facilities in both nations that would be assigned specific responsibilities for preventing nuclear crises.

NUCLEAR RISK REDUCTION CENTERS

To begin, the United States and the Soviet Union might agree to establish separate national nuclear risk reduction centers in their respective capitals. These centers would maintain a 24 hour watch on any events with the potential to lead to nuclear incidents.

The nuclear risk reduction centers would have to be linked directly—both through communications channels and organizational relationships—to relevant political and military authorities. Thought might also be given to the assignment of liaison officers to the counterpart center in each capital. If this practice proved successful, it might be possible at some future time to move toward jointly manned centers in the two capitals.

An alternative arrangement would envision the creation of a single center, staffed by military and civilian representatives of the two nations, at a neutral site. Such an arrangement might facilitate closer cooperation between the U.S. and the U.S.S.R., but at the cost of diminished access between the surveillance center and the two governments themselves. This and other trade-offs between these two potential arrangements require more study.

Each center would be manned by a series of watch officers who would report through normal military and political channels. In addition, each side would designate a specific high level official to direct its center and to carry out those specific negotiations and exchanges of information as were agreed to in establishing the centers. Procedures would be established to assure that in the event of an emergency, the designated representatives would have direct access to each nation's highest political authority.

Direct communications links would be established between the two centers. These should definitely include print and facsimile channels. Consideration might also be given to the establishment of voice and perhaps even tele-conferencing facilities, as well. There are obvious dangers in such "real-time" communications, including the greater difficulty of intergovernmental coordination and a greater risk of imprecision or misunderstanding, but these may be offset by the far more rapid exchange of large amounts of information which would become possible.

The establishment of these centers could contribute significantly to a reduced risk of nuclear incidents. They could be used for a range of functions, most of which would take place routinely in normal times, and would be designated to reduce the danger of nuclear terrorism, to build confidence between the two sides, and to avoid the build-up of tensions that could lead to confrontation. It would probably be best to define the functions of the nuclear centers narrowly at first, expanding them as experience demonstrated the value of the enterprise.

POSSIBLE FUNCTIONS OF THE NUCLEAR RISK REDUCTION CENTERS

Among the potential functions of the centers would be the following:

First, to discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons. Among the contingencies that might be explored would be unexplained explosion of a nuclear device, a terrorist threat to explode a nuclear weapon unless certain demands were met, the discovery that a nuclear weapon was missing, and similar possibilities. The discussion of these contingencies could provide a script which might be followed should the event actually occur. Although neither side could be expected to commit itself to follow these scripts under all circumstances, the existence of such an agreed routine might facilitate appropriate actions.

Second, to maintain close contact during incidents precipitated by nuclear terrorists, thus facilitating cooperative actions to defuse the incident, and specifically, to avoid the danger that the explosion of a nuclear device by a terrorist group might lead to a nuclear confrontation between the great powers.

Third, to exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons, or the materials and equipment necessary to build weapons, by sub-national groups. Obviously, care would have to be taken in any such exchange to avoid compromising intelligence sources and methods. Still, this type of U.S.-Soviet cooperation would clearly be in their mutual interest, and could increase both nations' ability to contain any such threats. There have been precedents for cooperation between the two as concerns the spread of nuclear weapons, and there is also precedent in the Standing Consultative Commission established by the 1972 SALT Agreements for the confidential exchange of technical and sensitive information.

Fourth, to exchange information about military activities which might be misunderstood by the other party during periods of mounting tensions. At times of mounting political tensions, the existence of independent nuclear risk reduction cents might facilitate the exchange of information about military activities which might otherwise by misinterpreted and contribute to escalating suspicions and fears. Such an exchange of information would have to be made on a voluntary basis. Even so, such an exchange could help to dampen the more extreme fears and actions that could otherwise result from international conflicts. Such a system would, of course, require checks and safeguards against the possibility that disinformation would be deliberately or accidentally fed into it, leading to confusion or delays in decision-making.

Fifth, to establish a dialogue abot nuclear doctrines, forces, and activities. These ex-

changes might include the notifications required under the 1971 "Accidents Agreement" and any future arrangements requiring the prior notification of missile flight tests and strategic exercises. But they could go beyond this to include discussions of any strategic practices of the two sides which implicitly raise a danger of misinterpretation or misunderstanding. Consideration also could be given to using this forum to maintain an agreed data base on the strategic forces of the two sides, a necessary element for virtually any strategic arms control agreement.

PROSPECTS AND POSSIBILITIES

A strong foundation has been laid for the proposals in this report. There have been more than 20 bilateral and multilateral treaties and agreements to which both the U.S. and U.S.S.R. are parties, that establish requirements for exchanges of information, the prior notification of certain events, the establishment of special communications links, the designation of representatives to negotiate technical aspects of the two nations' nuclear relationship, and cooperation on proliferation issues. The 1972 Incidents at Sea Agreement, which has all but eliminated what had been frequent and dangerous confrontations between the two great powers, is an excellant example of what can be accomplished.

But what already has developed on an ad hoc basis is far from comprehensive in its coverage of potential problems. Moreover, the actual use or implementation of these agreements has been limited. The current system is particularly deficient in that it does not deal adequately with the growing danger of nuclear terrorism.

We suggest that by establishing the nuclear risk reduction system described in this report, the ability of both nations to contain escalation would be greatly enhanced. The proposal deserves serious consideration by the governments of the U.S. and U.S.S.R. and by the citizens of both nations.

Mr. NUNN. Mr. President, the resolution we are submitting today calls on the President to adopt the concept of nuclear risk reduction centers and to negotiate the establishment of such centers with the Soviet Union. These centers could serve the following functions:

First, to discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons;

Second, to maintain close contact during incidents precipitated by nuclear terrorists;

Third, to exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons; or the materials and equipment necessary to build nuclear weapons, by subnational groups;

Fourth, to exchange information about military activities which might be misunderstood by the other party during periods of mounting tensions;

Fifth, to establish a dialog about nuclear doctrines, forces, and activities.

The rationale for and a detailed discussion of the centers is contained in the report I have entered in the RECORD.

The resolution also confirms the support of the Senate for the President's efforts to date and urges the President to continue negotiations on these confidence-building measures with the Soviet Union. These measures include:

First, the addition of a high-speed facsimile capability to the direct communications link generally known as the hotline;

Second, the creation of a joint military communications link between the U.S. Department of Defense and the Soviet Defense Ministry.

Third, the establishment by the United States and the Soviet Governments of high rate data communication links between each nation and its Embassy in the other's capital.

Mr. President, I would like to commend Senator WARNER for his active participation and leadership in this area. I would also like to commend the members of the Working Group on Nuclear Risk Reduction who studied this critical issue carefully and formulated a practical and reasonable set of recommendations.

I would hope that the President will receive our recommendations with the same open-minded and positive approach he followed on the previous confidence-building measures. We have worked with the executive branch in a cooperative manner in this area, and they have been very responsive.

I hope that the Senate will join us in this effort to move forward toward the establishment of these nuclear risk reduction centers that will help to reduce the risk of nuclear conflict.

Mr. WARNER. Mr. President, it has been my privilege to be associated with my distinguished colleague from Georgia in well over a year's work in this area.

Indeed, we would be remiss if we did not advise our colleagues that the late Senator Jackson was a cosponsor with us of the initial piece of legislation in 1982 which gave rise to the initiation of this project.

Mr. NUNN. Mr. President, I thank the Senator from Virginia. I think that is a timely and appropriate remark. The late Senator from Washington also was a cosponsor of the amendment which was passed on the authorization bill which gave rise to the Defense Department study and some of the present proposals in this direction.

I am delighted that the Senator from Virginia called that to the attention of this body.

Mr. WARNER. Yes.

Mr. President, Senator NUNN and I are delighted today to have joining in this effort Senator BRADLEY, Senator HOLLINGS, and others.

In the four decades since the end of World War II, the global ideological and political struggle between the United States and Soviet Union has steadily increased in scope and intensity. While this is regrettable, it is fact.

These fundamental antagonisms, in values and objectives, foster a relationship that will remain divisive and competitive for the foreseeable future.

International and national conflicts, particularly in the third world, have offered tempting opportunities for military or political exploitation and have led to various levels of tension and confrontation between the superpowers.

There are a number of potential scenarios that could suddenly escalate tensions and the risk of nuclear confrontation between the United States and the U.S.S.R. They include possible misjudgment, miscalculation, and misunderstanding, or the possession by terrorists of nuclear arms. These represent situations neither side anticipate, intend, or desire.

Today, there are five nations that have declared a nuclear military capability. Before the end of this century, this group could be enlarged by the addition of seven or more. While this proliferation is recognized, the threatening proliferation arises from the gradual dispersal of the knowledge, equipment and materials necessary for the fabrication of nuclear devices to an unknown number and classification of groups or State-sponsored entities.

The latter proliferation, coupled with the spread of terrorist activities, poses the greatest potential for a means of extortion, revenge or threat upon a superpower or superpowers. It is within this category of potential risk, tensions or confrontations that the proposed confidence building measures provide the greatest benefits directly to the superpowers and indirectly to the other nations of the world.

Against this background, the late Senator Henry Jackson, Senator SAM NUNN, and myself introduced in 1982 an amendment to the Defense Authorization Act which required the Defense Department to evaluate several proposals aimed at increasing confidence between the United States and the U.S.S.R. and reducing the risks of nuclear confrontation. Subsequently, Senator NUNN and I organized a working group on nuclear risk reduction to explore additional confidence building measures.

This nonpartisan, professional working group is unique in my experience. William Hyland, of the Council on Foreign Relations, serves as the group's secretary. Other members are James Schlesinger, former Secretary of Defense; Brent Scowcroft, a national security advisor to the President; Gen. Richard Ellis, former commander of the Strategic Air Command; Bobby Inman, former Deputy Director of Central Intelligence; William Perry, formerly Deputy Secretary of Defense for Research and Engineering; Don Rice, president of the Rand Corp.; and Barry Blechman, a senior fellow at the Georgetown Center for Strategic and International Studies.

During the spring of 1983, a Defense Department study, in response to our legislation, was released. It recommended that the existing United States-Soviet hotline be upgraded with a facsimile link; that an additional communications channel be installed between the Pentagon and the Soviet Defense Ministry; and that high-speed communications links be established between each government and its embassy in the other capital. These proposals were endorsed by President Reagan in May.

These confidence building measures are now the subject of discussions between the two governments at the working level. To date, they have been productive; there is hope.

In November, the working group on nuclear risk reduction released its report concerning recommending the establishment of national nuclear risk reduction centers in the respective capitals of the United States and the U.S.S.R. Potential functions of the centers would be as follows:

First, to discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons.

Second, to maintain close contact during incidents precipitated by nuclear terrorists.

Third, to exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons or the materials and equipment necessary to build weapons by subnational groups.

Fourth, to exchange information about military activities which might be understood by the other party during periods of mounting tensions, and .

Fifth, to establish dialog about nuclear doctrine forces and activities.

Mr. President, this resolution expresses the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R. that I have listed and urges the President to continue pursuing negotiations on these confidence buiiding measures with the Soviet Union.

We must seek every opportunity for areas of agreement and ways to reduce risks associated with our relationship with the Soviet Union.

Mr. President we are hopeful that all of our colleagues will join us on this resolution because it provides, in my humble judgment, a basis for a measure of understanding at a very early opportunity between the United States and the Soviet Union. Irrespective of the disappointing result thus far with respect to other aspects of arms control, this provides an opportunity to go forward.

At this point, I yield to my distinguished colleague from New Jersey for a brief comment.

Mr. BRADLEY. Mr. President, I am pleased to join Senator Nunn and Senator Warner as an original cosponsor of this resolution proposing the establishment of nuclear crisis centers. Not only can the centers serve a crucial function in crisis management and in the avoidance of accidental nuclear war, they may also be a step toward a more constructive environment for other bilateral negotiations.

Let me give you a hypothetical scenario that points up the need for a nuclear crisis center.

A small group of religious fanatics in a Middle Eastern country somewhere on the border of the Soviet Union has convinced itself that the Russian atheists intend to quash their religious sect. The group is prepared to go to any length to preserve their religious beliefs. Unbeknownst to the Soviet Union, the sect has illicitly obtained the ability to detonate a crude atomic weapon. At a time coinciding with heightening East-West tensions, the sect hijacks a local propeller aircraft and drops its bomb on a small Soviet border town not far from a Soviet military installation. In the resulting confusion the Soviets assume the bomb was dropped by a U.S. Air Force plane. The Kremlin orders retaliation.

Improbable? Yes. Impossible? No. As the number of countries that possess nuclear weapons grows, the number of people who understand the basic mechanics of nuclear devices increases as well. In addition to American, Russian, British, French, Chinese, and Indian scientists and officials, many suspect that officials in Pakistan, South Africa, Israel, Argentina, Brazil, Iraq, South Korea, and Taiwan may have or will obtain nuclear weapons capabilities within this decade. Keeping this knowledge out of the hands of unpredictable governments—Libya comes to mind—small groups and terrorist organizations will become even more difficult. We must prepare for this dangerous possibility.

If anything like my hypothetical scenario ever occurs, the future of our world as we know it could depend on instantaneous communications between the United States and the Soviet Union. That capability does not now exist. In fact, the current communications link between the White House and the Kremlin consists of 20-year-old teletype machines printing at 30 words per minute.

We must fill that void. The resolution Senators NUNN, WARNER, and I introduce today would do just that.

To enable responsible officials from both superpowers to prepare for and respond to any event with even the potential to lead to a nuclear incident, we should establish two nuclear crisis centers, one in Washington, D.C., and one in Moscow. These centers must be linked together by the most current communications systems, certainly including voice, print, and facsimile capabilities and perhaps including teleconferencing capabilities. The centers would be staffed 24 hours a day by Government and military officials and would be tied directly to political and military authorities in both countries. A Soviet liaison officer would be assigned to the Washington crisis center and an American liaison officer would be assigned to the Moscow center.

These nuclear crisis centers would serve several functions. First, the centers would jointly decide in advance on actions to be taken in the event of an unexplained nuclear explosion, a terrorist threat to explode a nuclear device, or the discovery that a nuclear device is missing. Second, the centers would follow and jointly attempt to defuse events of this type when they occurred. Third, the centers would explore ways to stop the spread of nuclear weapons technology.

In addition to these immediate needs, the nuclear crisis centers could begin to lay the foundation for other confidence building measures that could reduce the chances of nuclear war: Advance notification of any troop movements within 300 miles of borders, for example. Information exchange between the United States and U.S.S.R. has worked in the past: As early as 1945 the Berlin Quadripartite Agreement coordinated air traffic in the vicinity of the divided city; the 1972 Incidents at Sea Agreement has nearly eliminated what has been frequent confrontations between naval vessels; and the 1975 Helsinki agreement now requires notification of certain military maneuvers within 150 miles of East-West borders. It can work again.

Despite the Soviet's recent ceremonious departures from nuclear and conventional arms control negotiations, now is a particularly important time to initiate such an effort. The establishment of nuclear crisis centers is so clearly in the interest of both the Soviet Union and the United States that agreement ought not be difficult to achieve. Unlike many bilateral negotiations, this agreement is readily perceived as a positive sum game: both parties win. If the negotiations on nuclear crisis centers succeed, they might set the stage for superpower agreement on other nuclear nonproliferation and confidence building efforts, now stalled. They may even create an attitude more conducive to realistic arms control talks.

To live in this dangerous world is to know that we must at least talk to our fellow inhabitants, next door and around the ever-shrinking globe. We should resume discussions with the Soviets, concentrating first on areas of clear mutual interest: nuclear crisis centers, other confidence-building measures and nuclear nonproliferation. As we make progress on these, we will make opportunities to advance the cause of eased tensions, arms reductions and peaceful resolution of disputes. Someday, world neighbors may live in peace.

I urge my colleagues to support this resolution.

[Calendar No. 843; Report 98-128]

NUCLEAR RISK REDUCTION CENTERS

May 3 (legislative day, April 30), 1984.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

[To accompany S. Res. 329]

The Committee on Foreign Relations, to which was referred the resolution (S. Res. 329) expressing the support of the Senate for the expansion of confidence building measures between the United States and the Union of Soviet Socialist Republics, including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers, having considered the same, reports favorably thereon with an amendment and recommends that the resolution as amended do pass.

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to express the support of the Senate for the expansion of confidence building measures between the United States and the Union of Soviet Socialist Republics, including the establishment of nuclear risk reduction centers, in Washington and Moscow, with modern communications linking the centers.

COMMITTEE ACTION

Senate Resolution 329 was introduced on February 1, 1984, by Senator Nunn, with Senators Warner, Bradley, Hollings, and Sasser as original cosponsors, and was referred to the Committee on Foreign Relations. Committee members who have cosponsored Senate Resolution 329 include Senators Percy, Lugar, Kassebaum, and Pressler. On April 4, Senator Percy chaired a committee hearing on the resolution. Testimony was received from Senators Nunn and Warner, and from Dr. William Hyland, editor of "Foreign Affairs," and Dr. Barry Blechman, of the Georgetown University Center for Strategic and International Studies.

On April 10, the committee met for the purpose of marking up Senate Resolution 329. The committee approved without objection an amendment by Senator Pell stating that the centers should be operated under the direction of appropriate diplomatic and defense authorities. The committee then approved Senate Resolution 329 as amended without objection by voice vote.

COMMITTEE COMMENTS

In 1982, Senators Nunn, Warner, and Jackson introduced an amendment to the fiscal year 1983 defense authorization bill requiring the Defense Department to evaluate several proposals aimed at reducing the risk of nuclear confrontations. On April 11, 1983, Secretary Weinberger submitted a report to the Congress in response to this amendment. The report, titled "Direct Communications Links and Other Measures to Enhance Stability," announced that the Secretary had decided to propose four specific risk reduction proposals to the President:

The addition of a high-speed facsimile capability to the Hotline;

The creation of a Joint Military Communication Link between the United States and U.S.S.R.;

The establishment by the United States and Soviet Governments of high rate data links with their embassies in the capital of the other; and

Agreement among the world's nations to consult in the event of a nuclear incident involving a terrorist group.

On May 24, 1983, President Reagan announced that he had accepted all four recommendations and urged the Soviet to examine them carefully. Several rounds of talks on these proposals have been conducted, and on January 16, Secretary Weinberger announced that "significant progress" had been achieved toward an agreement on upgrading the Hotline. The Soviets have, however, been cool to the idea of establishing direct military communications links or improving embassy communications systems.

One possible initiative cited in the 1982 amendment, but not acted on by the administration, was that of establishng "crisis control centers." In its April 1983 report, the Defense Department concluded that the idea of a multilateral crisis control center located in a neutral nation was infeasible and that it was premature to propose bilateral United States/Soviet centers. The Defense Department did not, however, completely rule out the creation of United States/Soviet crisis control centers, noting that: "Over time, our experience with operating a JMCL (Joint Military Communications Link) might allow us to pursue the idea of a crisis control center, by indicating ways in which we could reduce the risks involved in it to an acceptable level." Some of the risks identified by the Pentagon include the opportunities for Soviet espionage and disinformation activities and the creation of a "cumbersome, extra layer in the national and international decision processes, retarding action just when speed was most imperative." The DOD report also expressed concern that a United State/Soviet crisis control center would "provide a clear and legitimate channel for automatic consideration of any crisis—including those in which Soviet participation would serve to heighten, rather than reduce, tensions."

On November 23, 1983, a Working Group on Nuclear Risk Reduction, which Senators Nunn and Warner had established a year earlier, released its report and recommendations. Members of the Working Group included Lt. Gen. Brent Scowcroft (USAF, retired), Dr. James Schlesinger, Dr. William Hyland, Dr. Barry Blechman, Rear Adm. Bobby Inman (USN, retired), Dr. William Perry, Dr. Donald Rice, and Gen. Richard Ellis (USAF, retired). In its report, the panel commended the administration for proposing the four specific confidence building measures. Nevertheless, the group faulted the administration for not embracing the concept of a United States/Soviet crisis control center, declaring that there are "crucial political aspects" to controlling crises which can only be addressed through "more comprehensive arrangements involving the designation of particular representatives and facilities in both nations that would be assigned specific responsibilities for preventing nuclear crisis."

As a first step, the group called for the establishment of 24-hour-a-day nuclear risk reduction centers in Washington and Moscow. The centers would be directly linked to the appropriate political and military authorities in each nation, with direct communications links between the two centers. The group suggested that as a first step toward jointly manned centers, liaison officers be assigned to the counterpart center in each capital.

Senate Resolution 329 formally endorses this proposal and outlines five possible functions which the centers could perform:

Discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties;

Maintaining close contact during nuclear threats or incidents precipitated by third parties;

Exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by subnational groups;

Exchanging information about United States/Soviet military activities which might be misunderstood during a crisis;

Establishing a dialogue about nuclear doctrines, forces, and activities.

In a letter to Chairman Percy dated April 3, the State Department took note of the four confidence building measures already proposed by the administration which, in its view, would, taken together, "contribute significantly to the fulfillment of the functions of a nuclear risk reduction center as described in Senate Resolution 329." In general, the letter took the position that the administration would prefer to defer adding a nuclear risk reduction center proposal to the current United States/Soviet negotiating agenda on confidence building measures until these other "first steps" had been more fully explored.

While the committee fully appreciates that negotiations with the Soviets in this important area must be carefully and prudently developed, it agrees with the view expressed by Senator Nunn during the April 4 hearing that there are compelling reasons for concern about the ability of the two superpowers to avoid nuclear crises in the future. In light of the growing number of regional conflicts around the world, each with the potential to draw the superpowers into direct confrontation, time may well be running out if the United States and U.S.S.R. are to act in advance to put in place an effective crisis avoidance system. The urgency which the committee attaches to acting on the nuclear risk reduction center proposal is heightened by the increasing occurrence of state-sponsored terrorism and, particularly, by current strains in the United States/Soviet relationship. In summary, the committee believes that the establishment of nuclear risk reduction centers could make a very positive contribution toward lessening the dangers of nuclear war, and it urges the administration to develop, in full consultation with Congress, specific proposals toward this end.

During consideration of the resolution on April 10, Senator Pell proposed an amendment which added language stating that the centers should be operated under the direction of appropriate diplomatic and defense authorities. In introducing his amendment, Senator Pell stated that since the highest diplomatic skills could be involved in the operation of the center, it is important that both diplomatic and defense officials be involved in the operation of the center. In addition, Senator Pell said that he hoped the committee report on the resolution would reflect the committee's view that, since very sensitive discussions and, even, negotiations could be the responsibility of the centers, the U.S. center should be under the direct authority of the Secretary of State and that the State and Defense Departments, as well as other agencies, should assign their most qualified personnel to operate the center.

Senator Percy agreed that the amendment made it clear that the State Department would be fully involved in the operation of any nuclear risk reduction center established pursuant to this resolution and praised the amendment as a constructive addition to the resolution. The chairman also noted that Senators Nunn and Warner had no objection to the amendment. In his April 4 testimony, Senator Nunn emphasized that the Working Group had purposely avoided the question of which government agency would have jurisdiction over the center, believing that this decision would have to evolve in the course of negotiations both in the Government and with the Soviets. However, he also said it was obvious that "you would have to have both the diplomatic elements of our governments as well as the military elements represented in some fashion." The committee respects the views expressed by Senators Nunn and Warner on this issue and certainly does not want to embroil the resolution in bureaucratic infighting that could complicate or delay implementation of the proposal. Nevertheless, the committee believes that were the centers assigned the range of responsibilities outlined in Senate Resolution 329, the U.S. center should be operated under the authority of the Secretary of State.

COST ESTIMATE

In accordance with rule XXVI paragraph 11(a) of the Standing Rules of the Senate, the committee finds that there will be no budgetary impact from the passage of this resolution.

REGULATORY IMPACT AND CHANGES IN EXISTING LAW

In accordance with rule XXVI, paragraphs 11(b) and 12 of the Standing Rules of the Senate, the committee concludes that there will be no regulatory impact from the passage of this joint resolution. There will also be no repeal or amendment of existing law.

Mr. NUNN. Mr. President, I thank the Senator from Virginia and the Senator from New Jersey for their diligent work in this area and for their leadership. I know that at this point in time they would like to both make a statement.

Mr. WARNER. Mr. President, I ask unanimous consent that those Senators not presently listed as cosponsors may add their names throughout the course of the day as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, throughout my years here in the Senate, it has been my privilege to work with my distinguished colleague from Georgia on many joint efforts, but none has given me greater challenge or, indeed, satisfaction than the subject of nuclear risk reduction centers and those related topics which hopefully reduce tensions and build a greater sense of confidence between the two superpowers.

We have been joined in this effort over the past 2 years now by a very distinguished group. Among that group are Gen. Richard Ellis, Mr. William Hyland, Adm. Bobby Inman, Dr. William Perry, Dr. Donald Rice, Dr. James Schlesinger, Gen. Brent Scowcroft, Ambassador Richard Ellis, and Dr. Barry Blechman. The very able staff assistance has been provided by

Mr. Arnold Punaro, Col. John Campbell, and Mr. Bill Hoehn.

Mr. President, Senator NUNN and myself and others are adding to the military authorization bill what is basically the content of Senate Resolution 329 which was the subject of extensive hearings in the Foreign Relations Committee and received the consideration of members of that committee, particularly the chairman, Mr. PERCY, and the ranking minority member, Mr. PELL. I will insert my statement before that committee at the end of my current remarks.

The resolution, now in the form of an amendment, expresses the support of the Senate for the expansion of confidence-building measures between the United States and the Soviet Union.

Mr. President, this resolution, now an amendment, comes at a very critical time in the relationship between the United States and the Soviet Union, particularly when the proliferation of nuclear technology and, indeed, the possession of nuclear weapons is expanding throughout the world at a frightening rate.

This amendment urges the President to continue pursuing negotiations with the Soviets on such measures and to add to these negotiations the establishment of nuclear risk reduction centers in both nations.

Mr. President, under the guidance of President Reagan and Secretary of State Shultz, there have now been three working-level negotiations with the Soviets on this subject. Thus far, those negotiations have largely been confined to technical matters to upgrade the communications. Nevertheless, those negotiations represent progress in this area.

It is my fervent hope and, indeed, my expectation that following the November elections this framework of negotiations, as well as others, can proceed with greater attention and a larger measure of accomplishment between the United States and the Soviet Union.

When I spoke to the Senate earlier this year in support of Senate Resolution 329, I referred to the political struggle which has existed between the United States and the Soviet Union since the end of World War II. The differing objectives and values of the two countries will be likely to continue into the foreseeable future, resulting in a continuation of the competitive environment which currently exists. This is an unfortunate situation. Nevertheless, it is a matter of fact.

Neither the United States nor the Soviet Union desire a nuclear confrontation. However, there are many conceivable scenarios, as outlined by my distinguished colleague from Georgia, where misjudgment, miscalculation, misunderstanding, or terrorist possession of nuclear weapons could lead to heightened tension or a disastrous mistake.

Proliferation of nuclear arms and increased terrorist activity throughout the world cause our greatest concern. Today there are five nations with declared nuclear capability. The number of nations in this category could increase to more than seven, or perhaps even a dozen, by the end of the century.

The increased nuclear capability in the world, coupled with the considerable expansion in terrorist activity, represents the primary basis for this proposed legislation.

In 1982, the Senator from Georgia [Mr. NUNN], the late Senator Henry Jackson, and I cosponsored an amendment to that year's defense authorization bill which ultimately led to Senate Resolution 329. The Defense Department, in response to that original amendment, conducted a study and released a report recommending a number of improvements to the present system that could reduce nuclear risk.

One of the principal accomplishments was the upgrading of the technology in the famous hotline. I recently visited, as I have may times throughout my career in the Department of Defense, the hotline facilities. I was pleased to learn that the technology which, in my judgment, was outdated, is not being updated and we are now privileged to have a far better communications system between the United States and the Soviet Union. That will soon be completed.

During the period 1970-72, it was my privilege to represent the United States as principal negotiator at the incidents at sea negotiations, negotiating sessions were alternately held in Moscow and Washington, DC. In May 1972, I executed, as Secretary of the Navy, the executive agreement on behalf of the U.S. Navy, and Admiral Gorshkov, my counterpart, signed on behalf of the Soviet Union.

I mention this history only to cite an example of how the United States and Soviet Union can reach mutual understandings predicated on safety. The Incidents at Sea Agreement has been in effect since 1972 and is regarded worldwide as an effective, working maritime-military safety measure. Each year, senior military and civilian officials of the United States and U.S.S.R. meet, alternating between the two capitals, to review naval operations within the framework of the agreement. While there is no effort to shroud their annual meetings in secrecy, few persons are aware of the important, precedent setting exchange. A valuable perspective of this agreement recently appeared in the Washington Post and is, below, made a part of today's RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Washington Post entitled "Navies Keep Superpower Diplomacy Afloat" and my testimony before the Committee on Foreign Relations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 8, 1984]

HIGH SEAS DIPLOMACY CONTINUING

(By Rick Atkinson)

When a new U.S. target drone splashed into the Pacific Ocean last month during gunnery exercises, Navy officers were flabbergasted to see sailors aboard the Soviet spy ship Balzam scoop up the 1,000-pound aircraft and stow it beneath a tarpaulin on deck.

"When the Russians were asked to give it back, their first response was, 'What drone?' " one Pentagon official said. "Then they said they didn't understand the word 'drone'."

The incident May 4 off southern California had all the makings of an ugly Cold War confrontation. Some State Department officials were incensed enough to urge a demarche, a serious diplomatic counterpunch, according to one senior administration official.

Instead, the standoff was resolved through "bridge-to-bridge" negotiations between the Balzam and the guided-missile cruiser USS Leahy. On May 6, after dissecting the sophisticated but unclassified drone, the Soviets dumped the pieces into a dinghy and cast it adrift for recovery by the U.S. warship.

"They were killing time while they were photographing it. We would have done the same thing," an officer said. "They might have thought it was a secret missile. Boy, were they disappointed."

As relations between the United States and Soviet Union have plunged from cool to icy, contacts between the superpower navies have remained, if not chummy, at least civil, despite dozens of abrasive encounters in the past year.

In sharp contrast to the moribund negotiations on strategic and theater nuclear weapons, senior admirals from both navies meet punctually once a year in Washington or Moscow to talk out their grievances under the little-known Incidents at Sea Treaty signed in 1972. U.S. sources described the 1984 session, which concluded last week in the Soviet capital, as cordial, constructive and professional.

U.S. officials contend that the quiet navy-to-navy diplomacy has prevented some hackle-raising episodes—including at least two recent collisions at sea—from escalating into a crisis.

"We're basically in contact with the Soviet navy on a daily basis throughout the four oceans," one senior U.S. official said. "The Soviets have made it very clear that they believe in the Incidents at Sea agreement. They want it to continue. They want it to work. They want to live up to it."

Nevertheless, superpower jockeying for mastery of the high seas has been marked on both sides by what one officer calls "polite harassment."

The Soviets, for example, persistently complain that U.S. P3 Orion airplanes harry Soviet submarines with "sonobuoys," devices dropped near the subs to track them

with loud sonar signals. "The pinging really drives them crazy," one official said.

Other Soviet gripes include protests over annoying smoke markers dropped by U.S. planes near Soviet surface ships, as well as the inert concrete or wooden "bombs" dropped by American planes during practice runs.

The United States has complained about the Soviet practice of shining searchlights on the bridges of U.S. ships, which temporarily blinds the crew. The Soviets also frequently buzz U.S. aircraft carriers, disrupting landing and takeoff operations. During the Vietnam war, Navy officers say, Soviet trawlers persistently cut in front of U.S. carriers trying to swing into the wind to launch bombing missions.

On Feb. 28, a secret U.S. message warning Navy commanders not to provoke their Soviet counterparts also advised that showing "timidity or deference" in the face of Soviet harassment was "inappropriate," according to a U.S. official.

Once a small and simple coastal defense force, the Soviet navy has grown in the past 15 years into a global armada from the Caribbean to the Baltic to the northern Pacific.

Because the oceans aren't getting any bigger, as American officers like to point out, the chance of contact between the fleets has increased. Last week, for example, the Soviets had 45 navy ships in the Mediterranean and the United States 28, according to Pentagon figures.

Frequently, the encounters are calculated. In addition to using each other as unwitting partners in naval exercises, both sides also spend a great deal of time and effort shadowing one another for intelligence-gathering purposes. Some Navy aviators allege that they have become friendly enough with Soviet fliers to exchange addresses and become pen pals.

Among more serious recent encounters, according to defense sources:

On the night of March 21, 1984, a Soviet Victor I-class submarine shadowing the aircraft carrier USS Kitty Hawk in the Sea of Japan rose to periscope depth and was run over by the 80,000-ton carrier.

The collision punched a $2 million hole in the carrier's bow that was patched with a concrete plug at the U.S. base at Subic Bay in the Philippines. Workers found pieces of the submarine's propeller imbedded in the Kitty Hawk's hull.

The sub, with a "diagonal crease across its hull," limped home to Vladivostok under Soviet escort at 2 mph. Although the fate of the submarine commander is unknown, the senior U.S. official speculated that the blunder was "non-career-enhancing."

In a previously unreported incident Feb. 18, 1984, the destroyer USS David R. Ray was in the Black Sea near Novorossiysk, U.S.S.R., when a Soviet plane fired cannon rounds into the ship's wake and a Soviet helicopter swooped within 30 feet of the deck while taking photographs of the destroyer.

Although the U.S. ship did not feel threatened, the Soviet action "is considered a violation of the spirit of the Incidents at Sea agreement," according to U.S. documents.

On Oct. 31, 1983, the frigate USS McCloy was towing a sonar listening device on an underwater sled west of Bermuda when suddenly the cable went slack. On Nov. 2, a P3 flying out of Jacksonville, Fla., spotted a new Soviet Victor III-class nuclear submarine, longer than a football field, barely moving on the surface toward Cuba.

Navy officials believe that while the submarine was shadowing the McCloy, the sonar cable got snarled in the submarine's propeller. Although the damaged sub took away some of the cable, the United States got both close-range acoustical data and "great photos of the sub on the surface," one officer said, adding, "I'd say we got the better part of that deal."

On Nov. 17, 1983, the destroyer USS Fife and the Soviet guided-missile frigate Razyashchy collided in the Arabian Sea, leaving two 15-foot "scuff marks" on the Fife. The destroyer had been maneuvering with the aircraft carrier USS Ranger and was being shadowed by the frigate, which had earlier barely missed colliding with another American ship.

On April 2 this year in the South China Sea, the frigate USS Harold E. Holt was shadowing the Soviet carrier Minsk. When the Holt disregarded a request from the Minsk to stand clear, the Soviets fired eight flares, three of which hit the U.S. ship.

"Probably we were as much at fault as the Soviets on that one," a senior U.S. official acknowledged.

Navy officials draw a distinction between incidents that result from either overzealous or incompetent seamanship and those that appear politically motivated, such as the harassment of U.S. ships searching for the downed Korean Air Lines Flight 007 last year.

Soviet ships periodically sliced in front of the American vessels, disrupting the search patterns in what U.S. officials believe was obnoxious behavior directed from Moscow.

"Except for the Sea of Japan period, which covered the KAL 007 recovery efforts, if you take that period out, the number of incidents has really decreased," a U.S. official said. "Each year we've seen basically a decrease."

Despite the increasingly crowded seas, the number of potentially dangerous incidents has declined from more than 100 in one year in the late 1960s to about 40 in the past year. Roughly half of those were considered provocative enough for the United States or Soviet Union to summon the other's naval attache to complain formally, as the Pentagon did after the drone episode last month.

When the incidents are considered in greater detail at the annual Incidents at Sea meetings, both sides come armed with photographs and videotapes in an effort to prove their cases, like nautical barristers.

"When we may be in error, that's recognized, as [it is] when they may be in error," a U.S. official said.

Mea culpas notwithstanding, the odds of collecting cash damages for maritime blunders are virtually nil, according to Pentagon officials.

When asked if Moscow had been asked to pay the $2 million repair tab for the Kitty Hawk this spring, one officer shrugged, "If we presented them with a bill, they would just throw it out."

TESTIMONY OF SENATOR JOHN WARNER

Mr. Chairman and Members of the Committee: I deeply appreciate the opportunity to testify before you today on a vital topic confronting the leadership of both the United States and the Soviet Union.

Any possibility of a nuclear confrontation between the great powers is justifiably the source of growing concern to the peoples of the world, especially American and Soviet citizens.

To seek technically feasible and politically acceptable means for reducing the risks of such a confrontation is an obligation of great importance to all. It is encouraging to see both public and private support growing daily for means to reduce tensions.

I do not intend to imply that the responsibility of the Legislative branch in any way intrudes on the prerogatives and authority of the Executive branch. The Constitution clearly defines the President's authority in such areas. But Congress does have a duty.

The Soviet Union is well aware of the workings of our government and the interactive roles of the Legislative and Executive branches. They understand the implications of Congressional support or lack thereof. A case familiar to all was that of the SALT II Treaty ratification process.

Today, the United States and the Soviet Union live in an increasingly troubled world. Nuclear technology is proliferating. Terrorism, sometimes state supported, is proliferating. Concurrently, conflicts in the Third World offer tempting opportunities for exploitation which, in turn, often lead to superpower involvement.

The cumulative impact of these trends is an increasing risk occasioned by the ever-increasing number of scenarios which could spark a nuclear confrontation between the Soviet Union and the United States.

For example, a terrorist group might acquire a nuclear weapon through crude fabrication, theft, or allege falsely possession of such a weapon. Such power in the hands of terrorists or a rogue national leader could be used for extortion, revenge, blackmail, confrontation or conquest. Terrorists might be tempted to use a nuclear weapon in a manner which would lead a superpower to believe the other had initiated such an action. While the probability of such an event today may be limited, the potential for this class of incidents is growing.

About twenty months ago, our late colleague, Senator Scoop Jackson, along with Senator Sam Nunn and I, were exploring areas in which steps might be taken to reduce the risk of nuclear confrontation through mistake or miscalculation between superpowers. We felt that promising prospects are to be found in the area of what is termed Confidence Building Measures.

One of our first legislative actions on this subject resulted in proposals to upgrade the so-called "hotline" to provide high speed data and facsimile transmission using modern equipment. As you may know, the equipment in that system is installed, among other places, in an unimposing small room in the Pentagon. I was briefed there recently and can represent that it still consists of a very basic, early 1960's vintage equipment, unchanged from that present when I served in the Pentagon in the early 1970's.

The Administration, part on its own initiative and part as an outgrowth of our legislation, is now undertaking to modernize the existing (hotline) scope of communications in the existing facilities. Further, they are holding discussions with the Soviets, at a technical working level, to explore expanding the scope of communications and other matters as recommended by the Secretary of Defense in his report to the President on Confidence Building Measures.

Following our legislative initiative, the working group mentioned earlier by Senator Nunn was formed. The group, after studying the issue for nearly a year, concluded that the creation of centers devoted to the reduction of nuclear risk had substantial merit. I believe that our report has been provided to the Committee and I would ask

that it be included in the record of today's events.

Such centers, located both in Moscow and in Washington, would maintain a 24 hour watch on any events with the potential for nuclear crises. Such centers would have a far more extensive communications capability than exists today, and could include liaison officers, Soviet and American, working jointly in each center.

It is our view that the establishment of these Nuclear Risk Reduction Centers could significantly reduce the level of risk and confrontation in the event of a nuclear incident. We foresee a range of useful functions they would carry out on a daily basis to counteract potential threats of nuclear weapons (actual or alleged) in regional conflicts.

Beyond that, they would serve as invaluable arenas for the type of interpersonal and official communication so vital to building understanding and confidence in the intention and ability of each government to reduce tensions and avoid nuclear confrontation.

Senate Resolution 329 is an extremely important expression of the support of the Senate for the expansion of Confidence Building Measures in general and the establishment of Nuclear Risk Reduction Centers in particular. I believe it is a measure that should enjoy wide support.

During 1970 and 1972 I was privileged, as a member of the Navy Secretariat, to serve as the principal negotiator, and eventual U.S. signatory, on the Incidents at Sea Agreement. The pact between the United States and Soviet Navies has been effective in reducing tensions, confrontations, and accidents between our respective naval forces operating on the surface and in the air over international waters.

In the beginning there was little hope of achieving this agreement, the first of its type in naval history. Through perserverance and a desire of each government to act in its own self-interest, we succeeded. There are some parallels between this achievement and the goals set forth in Resolution 329.

Mr. Chairman, members of the Committee, I thank you for inviting me to address this critically important topic and urge my colleagues to join on this resolution.

Mr. WARNER. Mr. President, I yield to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, as an original cosponsor of this resolution, I rise in strong support.

How can we—the United States, the Soviet Union, the world—avoid nuclear war? The very existence of nuclear weapons on both sides capable of surviving a first strike has deterred either side from choosing to use nuclear weapons. Our hope, our prayer, and our determination is that both sides will continue to be deterred. Indeed, in the opinion of most, a premeditated nuclear attack by either side is not the most likely path to nuclear war.

The most likely path is through a sudden, unanticipated crisis; a Soviet-American confrontation which could generate such tension and fear that nuclear war could result. In 1914, a relatively minor incident, the assassination of an archduke in the Balkans, escalated into a world war. The First World War resulted from miscalculation, misunderstanding, and bureaucratic confusion. It could happen again.

Deterrence and arms control both require confidence in some measure of human rationality. But rational actors, by definition, will not resort to nuclear war. What we are talking about today is irrationality. Crisis control alone deals with the irrational and falliable nature of mankind.

The unexpected, accidental, or irrational paths to nuclear war are too numerous to list. State terrorism—Colonel Qadhafi's Libya—could unleash a nuclear explosion. Subnational terrorists—a PLO faction perhaps—could steal a weapon. Religious fundamentalist groups—the Moslem Brotherhood, for example—could use a nuclear weapon as blackmail. The list goes on.

In fact, I first became aware of this threat and our vulnerability during a series of 14 classified hearings in 1980 on the geopolitics of oil that I vice chaired with the late chairman of the Energy Committee, Senator Henry Jackson.

If an unexplained nuclear explosion occurs, both the United States and Soviet Governments will be under enormous pressure to react. Was the bomb exploded by a third nation, a terrorist group, or the result of an accidental missile launch? Or has one side intentionally launched the first of a wave of nuclear strikes?

It would be the ultimate tragedy if world war III—very likely the final world war—were triggered by mistake. If there is any way to avoid it, we must.

The establishment of nuclear crisis centers in Moscow and Washington is one way to reduce the chances of accidental nuclear war. That we do not now have the capability to communicate quickly and fully with the Soviets today is tantamount to negligence. We must remedy this situation.

Nuclear crisis centers in each capital, linked by the most sophisticated communications systems, could serve a variety of risk-reduction and confidence-building functions. The crisis centers could:

Establish a set of technical procedures which the U.S. and U.S.S.R. would carry out before or during crises to defuse tensions; the KAL 007 tragedy might have been avoided in this way;

Adopt procedures for coping with unexplained nuclear detonations; such procedures could signal peaceful intent in times of heightened expectation of war; these are known as "Hands Off Holsters" signals;

Maintain close superpower contact during nuclear threats by third parties or terrorists; and

Exchange information on nonproliferation safeguards, nuclear doctrines, and force structure.

Senate Resolution 329 urges the President to add nuclear crisis centers to the agenda of United States-Soviet negotiations. Indeed, the nuclear crisis center could be the proposal that would break the logjam in our discussions with the U.S.S.R. If the President meets with President Cherenko in the near future, I would hope, since it is so clearly in the mutual interests of both countries, that nuclear crisis centers would be at the top of the agenda. Establishing nuclear crisis centers is in the interest of both parties and agreement ought not be difficult to achieve. Agreement here could set the stage for discussions of more difficult issues.

Mr. President, perhaps the most likely path to nuclear war today is through a crisis that escalates out of control due to miscalculation, misunderstanding, or accident. The establishment of nuclear crisis centers is one small step that could reduce that risk.

I urge my colleagues to support this resolution.

Mr. NUNN. Mr. President, I would like to respond just briefly. The Senator from New Jersey has done an outstanding job in this area. He has been a very effective spokesman both in the Senate and out on the circuit where he has such a wide, national following. And he has stimulated a great deal of interest in this proposal and support for this proposal both here in the Senate and throughout the country. I thank my colleague from New Jersey for his outstanding leadership.

Mr. WARNER. If the Senator would yield, I would like to associate myself with the remarks of the Senator from Georgia with respect to the Senator from New Jersey. While Senator NUNN, I, and the late Senator Jackson have been working on this for some time, we welcome the contribution by Senator BRADLEY and others. The original cosponsors consisted of Senator NUNN and myself, Senator BRADLEY, Senator HOLLINGS, and Senator SASSER. Since that time a number of colleagues have joined. At this time, Mr. President, I ask unanimous consent that I be allowed to amend the cosponsors list to reflect the full list in accordance with the document I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I would like to make one other point. I do not want to hold this up. It is truly regrettable today that this vote is going to come when Senator PERCY, the chairman of the Foreign Relations Committee, must be away from the Senate, because Senator PERCY has been one of our most fervent supporters of this proposal. He has not only been a cosponsor, but he has accommodated the authors of this proposal, Senator

WARNER, myself, and Senator BRADLEY in appearing before his committee. He has spent hours and hours perfecting this proposal. He gave us the time in the committee when he had many other pressing matters. He deems this to be a very important part of a constructive dialog with the Soviet Union, and Senator PERCY deserves a great deal of credit for having this resolution in the form it is today, and for the ability of the authors to get it to the floor of the Senate. So I thank the Senator.

Mr. PERCY. Mr. President, 1 year ago I took the Senate floor to commend Senators NUNN, WARNER, and our beloved colleague, the late Henry Jackson, for the leading role they played in prompting the administration to propose a series of innovative confidence building measures with the Soviet Union, including upgrading the Hotline Communications System between Washington and Moscow.

As a result of the Nunn/Warner/Jackson amendment to the fiscal year 1983 defense authorization bill, President Reagan proposed four specific nuclear risk reduction measures to the Soviet Union:

The addition of a high-speed fascimile capability to the Hotline;

The creation of a joint military communication link between the United States and the Soviet Union;

The establishment by the United States and Soviet Governments of high rate data links with their Embassies in the capital of the other; and

Agreement among the world's nations to consult in the event of a nuclear incident involving a terrorist group.

Several rounds of talks on these proposals have been conducted, and on January 16, Secretary Weinberger announced that "significant progress" had been achieved toward an agreement on upgrading the Hotline. The Soviets have, however, been cool to the idea of establishing direct military communications links or improving embassy communications systems.

One possible initiative cited in the 1982 amendment, but not acted on by the administration, was that of establishing crisis control centers. In its April 1983 report the Defense Department did not, however, completely rule out the creation of United States/Soviet crisis control centers, noting that: "Over time, our experience with operating a JMCL [Joint Military Communications Link] might allow us to pursue the idea of a crisis control center, by indicating ways in which we could reduce the risks involved in it to an acceptable level."

On November 23, 1983, a working group on nuclear risk reduction, which Senators NUNN and WARNER had established a year earlier, released its report and recommendations. Members of the working group included Lt. Gen. Brent Scowcroft (USAF, retired), Dr. James Schlesinger, Dr. William Hyland, Dr. Barry Blechman, Rear Adm. Bobby Inman (USN, retired), Dr. William Perry, Dr. Donald Rice, and Gen. Richard Ellis (USAF, retired). In its report, the panel commended the administration for proposing the four specific confidence building measures. Nevertheless, the group faulted the administration for not embracing the concept of a United States/Soviet crisis control center, declaring that there are crucial political aspects to controlling crises which can only be addressed through more comprehensive arrangements involving the designation of particular representatives and facilities in both nations that would be assigned specific responsibilities for preventing nuclear crisis.

As a first step, the group called for the establishment of 24-hour-a-day nuclear risk reduction centers in Washington and Moscow. The centers would be directly linked to the appropriate political and military authorities in each nation, with direct communications links between the two centers. The group suggested that as a first step toward jointly manned centers, liaison officers be assigned to the counterpart in each capital.

The amendment, which is identical to Senate Resolution 329, formally endorses this proposal and outlines five possible functions which the centers could perform:

Discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties;

Maintaining close contact during nuclear threats or incidents precipitated by third parties;

Exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by subnational groups;

Exchanging information about United States/Soviet military activities which might be understood during a crisis;

Establishing a dialog about nuclear doctrines, forces, and activities.

In a letter which I received in April, the State Department took note of the four confidence building measures already proposed by the administration which, in its view, would, taken together, contribute significantly to the fulfillment of the functions of a nuclear risk reduction center as described in Senate Resolution 329. In general, the letter took the position that the administration would prefer to defer adding a nuclear risk reduction center proposal to the current United States/Soviet negotiating agenda on confidence building measures until these other first steps had been more fully explored.

I fully appreciate that negotiations with the Soviets in this important area must be carefully and prudently developed. However, I strongly support the view expressed by Senator NUNN during the committee's April 4 hearing on this resolution that there are compelling reasons for concern about the ability of the two superpowers to avoid nuclear crises in the future. In light of the growing number of regional conflicts around the world, each with the potential to draw the superpowers into direct confrontation, time may well be running out if the United States and U.S.S.R. are to act in advance to put in place an effective crisis avoidance system. The urgency which I attach to acting on the nuclear risk reduction center proposal is heightened by the increasing occurrence of State-sponsored terrorism and, particularly, by current strains in the United States/Soviet relationship. In summary, I believe that the establishment of nuclear risk reduction centers could make a very positive contribution toward lessening the dangers of nuclear war, and I urge the administration to develop, in full consultation with Congress, specific proposals toward this end.

During the committee's markup of the resolution on April 10, Senator PELL proposed an amendment which added language stating that the centers should be operated under the direction of appropriate diplomatic and defense authorities. In introducing his amendment, Senator PELL stated that since the highest diplomatic skills could be involved in the operation of the center, it is important that both diplomatic and defense officials be involved in the operation of the center. In addition, Senator PELL said that he hoped the committee report on the resolution would reflect the committee's view that, since very sensitive discussions and, even, negotiations could be the responsibility of the centers, the U.S. center should be under the direct authority of the Secretary of State and that the State and Defense Departments, as well as other agencies, should assign their most qualified personnel to operate the center.

The Pell amendment makes it clear that the State Department should be fully involved in the operation of any nuclear risk reduction center established pursuant to this resolution. I would note that in his April 4 testimony, Senator NUNN emphasized that the Working Group had purposely avoided the question of which Government agency would have jurisdiction over the center, believing that this decision would have to evolve in the course of negotiations both in the Government and with the Soviets. However, he also said it was obvious that "you would have to have both the diplomatic elements of our governments as well as the military elements represented in some fashion." The Foreign Relations Committee respects the views ex-

pressed by Senators NUNN, and WARNER on this issue and certainly would not want to embroil the resolution in bureaucratic in-fighting that could complicate or delay implementation of the proposal. Nevertheless, the committee did express in its report on this resolution its view that were the centers assigned the range of responsibilities outlined in Senate Resolution 329, the U.S. center should be operated under the authority of the Secretary of State.

Mr. President, the Foreign Relations Committee passed Senate Resolution 329 unanimously on April 10. I commend Senators NUNN and WARNER for their leadership on this initiative and urge the adoption of this amendment.

Mr. PRYOR. Mr. President, I would like to commend this afternoon Senator NUNN and Senator WARNER for bringing this matter to the Senate. I think truly it is one of the most important things that we are doing on this military authorization bill today. And I think that certainly there is no doubt there is a danger of an accidental exchange between the superpowers, and a triggering of that attack could very well come from a third country by mistake, by accident, by miscommunication and miscalculation.

Mr. President, once again I thank the two very distinguished Senators for sponsoring this legislation, and bringing it to the attention of the Senate.

Mr. President, I am proud to be a cosponsor of this amendment, and I'd like to say that our colleagues Senator NUNN and Senator WARNER deserve a great deal of credit for their work on nuclear risk reduction. These two Senators have been pursuing a solution to this urgent danger for the past several years, and we should all be grateful for their efforts.

Prevention of nuclear war is the single most important issue which we, as national leaders, must address. Many of our constituents are terrified at the prospect of nuclear war and are demanding action; others may not be as aware of the dangers we face, and it is our responsibility to articulate the nuclear danger and assume leadership on this issue.

Our efforts must take several directions: moving away from tactical nuclear weapons, maintaining a nuclear balance that will deter an exchange, reducing the stockpile of nuclear arms, and reducing the risk of a nuclear mistake.

Let there be no doubt: There is a danger of an accidental exchange between the superpowers, and a triggering attack could very well come from a third country.

In 1979 there were 78 warnings of possible attacks, and that number has been rising. There have been two major alerts in the past 4 years, one arising from a faulty computer chip.

Possible causes of false alerts include hardware and software problems, human error, and the effects of solar activity on our electronic network. Falling satellites may be mistaken for missiles.

There is also a growing possibility of a deliberate attack from a third country. We believe that 16 or 17 countries now have a nuclear capability, and with the geometrical growth in nuclear know-how, that number could increase dramatically by the end of the century. We have all read newspaper stories of undergraduates who have designed a nuclear device with the aid of unclassified, easily available materials. This relatively easy access to nuclear technology, recent examples of irrational national leaders and a rise in religious fanaticism suggest a number of frightening scenarios which could shatter the current 40-year period of nuclear restraint.

The United States and Soviet Union have violently differing views on economic and political systems, personal freedom and geopolitical goals. But we have one thing in common: both nations are prime targets for a nuclear attack.

The progress of civilization and years of restraint have not prevented the renewed use of morally repulsive chemical weapons, and so some Third World nations may not shrink from the use of nuclear devices notwithstanding their unspeakably horrible effects. Nor is it inconceivable that a malicious and irrational movement may seek to trigger an exchange between the United States and the U.S.S.R. by, say, attacking a Soviet city in the expectation that the Soviets would automatically retaliate against the United States on the presumption that the attack originated in this country.

This shared danger has prompted discussions between the two nations on how to forestall this sort of terrifying possibility by establishing strategic confidence-building measures.

The amendment we are considering today praises President Reagan for his efforts in this area and endorses recommendations for further safeguards, including upgrading the Hotline, creating a communications link between the U.S. Department of Defense and the Soviet Defense Ministry, and establishing risk reduction centers in each capital.

By these means, the two countries would be able to: Exchange information about planned nuclear activities which might be subject to misinterpretation; establish procedures to follow in case of a crisis; coordinate Soviet and United States action in case of a nuclear terrorist attack; provide information on nuclear proliferation, as the Soviets have already done in at least one case; and expand to other military information sharing, such as the exchanges already taking place on ship movements and other military activities.

The consequences of a nuclear exchange are too cataclysmic to risk a mistake, and I don't believe it is possible to have too many safeguards.

President Reagan deserves high praise for his efforts to increase nuclear information sharing, and I would like to encourage him to expand our contacts with the Soviet Union at all levels. It is precisely because we distrust the Soviets that we must open up all possible lines of communication with them and try to defuse potential superpower confrontations in Central America, the eastern Mediterranean, Persian Gulf, or other trouble spots around the globe.

Mr. NUNN. Mr. President, I thank my colleague from Arkansas for his leadership on behalf of this proposal. I know he has made numerous speeches on it, and I know he generated a great deal of support, because I felt some of it myself.

Mr. President, for the benefit of my colleagues who I know need to depart, this dialog as far as I am concerned will talk about 1 more minute, and then we will be prepared to go to rollcall vote.

Mr. President, I want to particularly acknowledge the assistance of Doug Bennett, who was then the director of the Roosevelt Center, in sponsoring a working group to deliberate on this proposal, and on many other proposals that are designed to have the superpowers begin to work together to avoid the possiblity of war by accident or miscalculation. Doug Bennett exhibited great leadership in this respect, and he is to be thanked for his efforts. The other members of the group, I think, are probably the group with the highest level of governmental experience and expertise, and have the widest respect of any group I have ever been personally associated with; this group did a study. The study was a tremendous help in refining and adjusting this proposal.

The other members of the group included Gen. Richard Ellis, retired, who was at one point head of our Strategic Air Command; Mr. William Hyland, Adm. Bobby Inman, Dr. William Perry, Dr. Donald Rice, and Dr. Jim Schlesinger. I also want to particularly thank John Campbell on Senator WARNER's staff, Arnold Punaro of my staff, Bill Hoehn on my staff, and Bob Bell on Senator PERCY's staff for their superb interests in this respect. Again I want to thank my colleague from Virginia. He has already said how much he enjoyed working on this proposal. I believe as the years go by that the Senator from Virginia and I will continue to work on many other proposals, but I think we will look back on this as one that we are most proud

of. I wish our colleague from Washington State could be here today, because he, too, was there at the very outset.

Mr. WARNER. If the Senator would yield, Mr. President, I express my deepest appreciation for his remarks.

Mr. NUNN. I again want to thank the Senator from New Jersey for his outstanding leadership on this. I think all of us will see as the years go by, hopefully, that this is the beginning of an idea of mutual cooperation between the two superpowers that do not have a lot to coordinate and cooperate about. But if we do not have a mutual interest in preventing war by accident or miscalculation, then there is very little hope for any kind of mutual interest. But I submit that we do.

Mr. President, I would ask for the yeas and nays.

Mr. WILSON. Would the Senator yield?

Mr. NUNN. I yield to my colleague from California.

Mr. WILSON. I thank my friend from Georgia. I have a question to direct to him and to the Senator from Virginia. Because of the enormous importance which we always attach to the success of such efforts, I must confess to a little jurisdictional jealousy. Since I do not serve on the Foreign Relations Committee, my question is, will the Armed Services Committee be holding hearings? Specifically, will the subcommittee of the Senator from Virginia be holding hearings next year to allow the Armed Services Committee the opportunity to monitor the implementation of this legislation?

Mr. WARNER. Mr. President, I assume because of the importance of this matter, the chairmen of those committees would arrange for hearings and joint jurisdiction.

Mr. WILSON. I think, given our responsibilities on the committee, that would be almost imperative.

Mr. NUNN. Mr. President, reluctantly, I suggest the absence of a quorum. We have another Senator who wants to be heard on this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise today to ask for the Senate's support in adopting Senate Resolution 329 which was introduced in February of this year by Senator NUNN, Senator BRADLEY, and me.

The resolution was at that time referred to the Senate Foreign Relations Committee where it was favorably reported on May 3d.

The resolution expresses the support of the Senate for the expansion of confidence building measures between the United States and the Soviet Union. It urges the President to continue pursuing negotiations with the Soviets on such measures and to add to these negotiations the establishment of nuclear risk reduction centers in both nations.

In February, when I spoke to the Senate in support of the resolution, I referred to the political struggle which has existed between the United States and the Soviet Union since the end of World War II.

The differing objectives and values of the two countries will likely continue into the foreseeable future, resulting in a continuation of the competitive environment which currently exists. As I noted in February, this is an unfortunate situation; however, it is a fact.

Neither the United States nor the Soviet Union desire a nuclear confrontation. However, there are many conceivable scenarios where misjudgment, miscalculation, misunderstanding or terrorist possession of nuclear arms could lead to heightened tension or a disastrous mistake.

Proliferation of nuclear arms and increased terrorist activity throughout the world cause our greatest concern. Today, there are five nations with declared nuclear capability. The number of nations in this category could increase to more than seven by the end of this century.

The increased nuclear capability in the world, coupled with the considerable expansion in terrorist activity, represents the primary impetus for this legislation.

In 1982, my good friend from Georgia, SAM NUNN, and the late Senator Henry Jackson and I cosponsored an amendment to that year's defense authorization bill which ultimately led to Senate Resolution 329. The Defense Department, in response to that original amendment, conducted a thorough study and released a report recommending a number of improvements to present systems that would reduce nuclear risk.

The Department recommended the existing United States-Soviet hotline be upgraded with a facsimile link; that an additional communications channel be installed between the Pentagon and the Soviet Defense Ministry; that high-speed communications links be established between each Government and its Embassy in the other capital; and that there be agreement among the world's nations to consult in the event of a nuclear incident involving a terrorist group.

President Reagan endorsed these recommendations in May 1983, and initial discussions between the two nations are currently underway to establish possible areas of agreement.

In late 1982, as the Defense Department was initiating its study, Senator NUNN and I organized a nonpartisan working group consisting of highly experienced and professional authorities to conduct a further investigation of the nuclear risk reduction issue.

In November of last year, the working group submitted its report. The panel commended the administration for proposing the four specific confidence building measures but, in addition, recommended the establishment of United States and Soviet nuclear risk reduction centers.

As discussed in the Foreign Relations Committee report, there are five possible functions which the centers could perform, including:

First, discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties;

Second, maintaining close contact during nuclear threats or incidents precipitated by third parties;

Third, exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by subnational groups;

Fourth, exchanging information about United States and Soviet military activities which might be misunderstood during a crisis; and

Fifth, establishing a dialog about nuclear doctrines, forces and activities.

Mr. President, this resolution expresses the Senate's support for the expansion of confidence building measures between the United States and the U.S.S.R. The resolution has been favorably reviewed by the Senate Foreign Relations Committee with one amendment, by Senator PELL, which I fully endorse.

The resolution provides a considered and positive approach to nuclear risk reduction and I would ask the Senate to support this resolution as a means of moving forward in our relationship with the Soviet Union.

Mr. BYRD. Mr. President, I congratulate the authors of this amendment, the distinguished senior Senator from Georgia, who is the ranking Democratic member of the Armed Services Committee, Mr. NUNN, and the distinguished senior Senator from Virginia, Mr. WARNER, for this contribution to arms control.

It is no secret that relations between the United States and the Soviet Union have plummeted to a dangerously low level. Arms control between the two superpowers during this administration has so far resembled a barren wasteland. Vituperative and bellicose characterizations and attacks have unfortunately been the coin of the realm on the part of both the Soviet leadership and the Reagan administration for over 3 years. I am talking about both sides; not just one side, but both sides. The actions by the Soviets, directed not only at the

United States but at the world community at large, have been the height of irresponsibility for too long—they continue their barbaric occupation of Afghanistan, they have awarded a medal to the Soviet fighter pilot—imagine that—they have awarded a medal to the Soviet fighter pilot who shot down an unarmed Korean airliner, they have engaged in a series of foolish and dangerous brushes with U.S. naval warships on the high seas, they have continually violated the waters of neutral nations like Sweden with submarines, and they continue to keep the level of tension in the European theatre high by announcing the implacement of medium-range missilry in East Germany and Czechoslovakia.

In connection with the shooting down of the Korean airliner, Mr. President, it is no secret—everyone knows this—that the Soviet Union refused to let our ships and the ships of other countries into the suspected waters so that the search might go forward for the wreckage and for the bodies and for the "black box" that would have told the world what the facts were with reference to the tragic shooting down of that unarmed airliner.

I do not recall that the Soviets issued any apologies to the families of the persons who were shot down. I may be wrong in that, but at least that is my recollection that they did not. And they did not offer to pay, and, as a matter of fact, I think they rejected the suggestion that they pay any compensation to the families of the victims.

They continue to attempt to bully NATO, as is evident in the statement by Soviet Defense Minister Dmitri Ustinov on May 20, 1984. He announced the continuation of deployment of their Soviet medium-range ballistic missile, the SS-20, targeted at Western Europe. Furthermore, he stated that the Soviet Union had increased the number of missile-carrying submarines deployed off the coasts of the United States. It is puzzling, indeed, to decipher what the Soviet Government thinks it will gain by these tactics of intimidation.

The Soviets are a brutal adversary. Since we inhabit the world together, and since we both possess the means to destroy the world with our nuclear weaponry, we must, however, do business with the Soviets. It will not advance our causes, and it will not infuse our allies and our friends with confidence, merely to ape the Soviets and match bellicosity for bellicosity. Many of our colleagues believe the Reagan administration has done little to advance the cause of businesslike arrangements in the field of arms control by its incessant rhetoric about the Soviet menace. So we have rhetoric for rhetoric, both sides contributing to the poisoning of the atmosphere in such a way that meaningful discussions are most difficult to come about. And so there is certainly a case to be made that this administration has not pursued the achievement of arms control agreements with the businesslike determination that the subject deserves, and the administration has contributed heavily, as I have stated, to the poisoning of the international atmosphere.

It is for this reason that this amendment is to be welcomed. It is perhaps not going to alter the state of relations with the Soviets dramatically or overnight. But it focuses on an extremely important aspect of the situation that now prevails between the leadership of the superpowers—the importance of reducing the potential for misunderstandings about the activities of the other party, and the need for immediately available communications to forestall hostile actions which might result from such misunderstandings.

I would note, Mr. President, that along with Senators NUNN and WARNER, the late distinguished Senator from the State of Washington, Mr. Jackson, was an author of the original legislation in 1982 which started the ball rolling on this updating of our communications links with the Soviets in time of crisis. It is a measure of Senator Jackson's wisdom that he saw the great need for reducing misunderstandings—misunderstandings which could result in a catastrophe no sane person desires. There have been few Senators in the history of this body who understood the nature of the Soviet threat as well and who was more skeptical about what he perceived as one-sided arms control agreements. Yet, he also knew the importance of good and fast communication in a world which could sit at the business end of a hair-trigger gun.

I also note that this amendment contains a provision calling for the establishment of nuclear risk reduction centers in Washington and Moscow which, among other things, would address the question of nuclear terrorism by third countries or parties. Regardless of the wide differences in philosophy and practice between our Nation and the Soviet Union, we should logically share a deep concern over nuclear blackmail by terrorist groups, or the use of nuclear weapons by irresponsible third powers. We must face realistically the possibility of the use of these weapons by misguided or even deranged individuals, Joint action by the United States and Soviet Union to remove such threats may be needed some day. The establishment of a mechanism to address this possibility now seems to me to be vital

This legislation, then, is a valuable and solid contribution to advancing peace in the world. It has my full support.

Mr. WARNER. I am always willing to engage the Senator from Georgia. That is a subject that might well consume the balance of the day and on into the night. In deference to the staff of the Senate that have been here since way into the night last night, perhaps as late as 3 o'clock, it may be the better part of wisdom to defer to the leadership. I think they have other plans for the Senate.

Mr. NUNN. Mr. President, I thank the Senator from West Virginia for his support of this proposal, and also I think his remarks particularly his recitation of some of the brutal actions taken by the Soviet Union, and his conclusion that both sides have used too much strong rhetoric in recent years—that in spite of our tremendous distrust of the Soviet Union, with good cause we still must communicate are very timely, and an important observation of where we stand today in arms control and in our relationships. So I thank the Senator for his important remarks, and I appreciate very much his support for this proposal.

Mr. WARNER. I also thank the distinguished Senator from West Virginia. I do believe in fairness that the President's rhetoric and other efforts have been indeed moderated in the interest of peace and stability.

Mr. BYRD. I hope so, Mr. President.

The distinguished managers are ready to proceed with other amendments on this legislation.

Mr. NUNN. I thank the Senator from West Virginia. I hope now we can go to a rollcall vote.

Mr. WARNER. Mr. President, I also express my appreciation to the Senator from West Virginia [Mr. BYRD].

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota [Mr. ANDREWS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Missouri [Mr. DANFORTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. GOLDWATER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Iowa [Mr. JEPSEN], the Senator from Nevada [Mr. LAXALT], the Senator from Maryland [Mr. MATHIAS], the Senator from Illinois [Mr. PERCY], the Senator from Texas and [Mr. TOWER].

I further announce that, if present and voting, the Senator from Minnesota [Mr. BOSCHWITZ] would vote yea.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Colorado [Mr. HART], the Senator from

Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Michigan [Mr. RIEGLE].

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote "yea".

The PRESIDING OFFICER [Mr. COCHRAN]. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 82, nays 0—as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—82

Abdnor	Gorton	Nunn
Armstrong	Grassley	Packwood
Baker	Hatch	Pell
Baucus	Hatfield	Pressler
Bentsen	Hawkins	Proxmire
Biden	Hecht	Pryor
Bingaman	Heflin	Quayle
Boren	Helms	Randolph
Bradley	Hollings	Roth
Bumpers	Huddleston	Rudman
Burdick	Humphrey	Sarbanes
Byrd	Johnston	Sasser
Chafee	Kassebaum	Simpson
Chiles	Kasten	Specter
Cochran	Kennedy	Stafford
Cohen	Lautenberg	Stennis
Cranston	Leahy	Stevens
D'Amato	Levin	Symms
DeConcini	Long	Thurmond
Denton	Lugar	Trible
Dixon	Matsunaga	Tsongas
Dodd	Mattingly	Wallop
Dole	McClure	Warner
Eagleton	Melcher	Weicker
East	Mitchell	Wilson
Evans	Moynihan	Zorinsky
Garn	Murkowski	
Glenn	Nickles	

NOT VOTING—18

Andrews	Ford	Laxalt
Boschwitz	Goldwater	Mathias
Danforth	Hart	Metzenbaum
Domenici	Heinz	Percy
Durenberger	Inouye	Riegle
Exon	Jepsen	Tower

So the amendment (No. 3221) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I ask unanimous consent that the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New Jersey [Mr. LAUTENBERG] be added as consponsors of this nuclear risk reduction amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I wish to express my profound appreciation to all Senators who have joined us in the spirit of this amendment. I am optimistic that in the years to come, they will look back upon this as a first act leading toward a better understanding to reduce tensions between the United States and the Soviet Union. I hope they will feel that they have shared in this landmark decision.

Mr. President, as indicated by the leadership, there will be no more rollcall votes today. The distinguished Senator from Georgia and I will remain here until such time as necessary to handle other matters relating to this bill which have been cleared on both sides.

The distinguished Senator from Mississippi has waited most patiently throughout the morning to present his amendment, and we are prepared to accept it.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3222

Mr. STENNIS. I thank the Senator from Virginia.

Mr. President, in the bill as reported by the committee are two or three items which relate to our Reserve Forces concerning equipment, what we call small items of equipment: $50 million for the Army Guard, $20 million for the Air Guard, and $20 million for the Naval Reserve. Mr. NUNN and I have an amendment, which proposes to add $20 million for the Marine Corps Reserve. I call up the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. STENNIS], for himself and Mr. NUNN, proposes an amendment numbered 3222:

On page 5, between lines 4 and 5, insert the following: For Marine Corps Reserve equipment, $20,000,000.

Mr. STENNIS. Mr. President, this is part of a program of a few years whereby the Armed Services Committees of the Senate and the House have been looking at the proposition of getting more adequate small items supplied to all our reserve forces. It has proved to be, I think, a very popular and a very profitable program with respect to encouraging membership in these reserve units, to really put forth their very best. It treats them the way they should have been treated all the time, as I see it.

At one time, I described these products that we propose to buy: Give them something that still has the factory paint on it. Make them feel that they belong, that they have the best, that they have the modern weapons, rather than something that has been largely used up and worn out by the regular services.

And these matters have, as I said, continued for 2 or 3 years and proven highly profitable in the morale and they are actually needed. There are no big expensive items in it. It relates to matters like radio sets of various kinds, maintenance kits, switchboards, telephone sets, and a few machine guns here.

I am reading now from those that are proposed to go into this Marine Reserve unit.

I trust that this will receive the favorable response from the membership, Mr. President, and take its place, along with other items that are in this same program that will be taken up, of course, in conference with the House of Representatives who have an interest in some items themselves.

Mr. NUNN. Mr. President, I commend the Senator from Mississippi not only for sponsoring this amendment but for his years of being at the very forefront of pursuing diligently the kind of Reserve program that this Nation needs and deserves. To bring about that kind of program the Senator from Mississippi has been the leader on the Senate side and I think in Congress in trying to get funds for the purpose of purchasing critical items that our Reserves otherwise would not get.

Mr. President, the purpose of this amendment is to provide a modest amount of discretionary funds—$20 million—to the Marine Corps Reserve to be used to purchase critical items of equipment that, in their judgment, will provide the most military capability for the money.

The committee recommended comparable funding approval for the Army National Guard, the Air National Guard, and the Naval Reserve. Since the time the committee acted on this bill, it has learned of some particular shortages in the Marine Corps Reserve that need to be satisfied. The $20 million requested is the same amount provided to the other Reserve components. At this time, the Marine Corps Reserve is the only service for which the committee approved no specific funds. This amount will provide almost 1,000 pieces of new equipment for the Marines.

These are not glamorous items of equipment, but they are critical to day-to-day readiness of the Marine Corps Reserve. Some of the items that have come to the attention of the committee include radio sets, water distribution equipment, water purification units, and fuel dispensing systems. Again, these are not glamorous items, as I mentioned, but they are the types of equipment needed to shoot, move, and communicate. I ask unanimous consent to have printed in the RECORD at this point a list of critical items that might be purchased with the discretionary funds provided by this amendment. This list was provided by the Marine Corps and has been validated by them as unmet requirements.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1985 ADDITIONAL PMC REQUIREMENTS

TAMCN and nomenclature	Quantity	Cost
A1795, Radio set, AN/GRC 193	42	$1,497,972
A1935, Radio set, MRC 138	22	1,078,000
A2065, Radio set, AN/PRC-104	97	1,552,000
A0004, Maint kit, MK-1823	10	100,000
A2505, Switchboard, SB-3614	12	480,000
A2635, Telephone set, TA-838	196	156,800
E0994, MK-19 machinegun, 40mm	200	2,000,000
E0960, M249 machinegun, SAW	300	915,000
D1212, M936 truck wrecker, 5T	28	4,934,972
B2600, Water Distribution Equipment	6	45,432

FISCAL YEAR 1985 ADDITIONAL PMC REQUIREMENTS—Continued

TAMCN and nomenclature	Quantity	Cost
B2604, Water purification unit reverse osmosis	6	1,128,000
B0685, Fuel System, amphib assault	2	2,526,000
B1135, Helicopter expedient refueling system	3	312,000
B0675, Fuel dispensing system tac air	2	1,520,000
B0921, Generator set, MEP 112A	4	76,000
B1016, Generator set, MEP 115A	4	152,108
B2467, Tractor, RT, wheeled	2	295,652
Total		20,032,936

Mr. NUNN. Mr. President, the Marine Corps Reserve is not constrained to buy these items, as I understand the amendment, if there are equipments of higher priority in their judgment, but at least this gives us an idea of some of the critical shortages that are there.

I also commend the distinguished senior Senator from Mississippi [Mr. STENNIS] for his untiring efforts over the years on behalf of the Guard and Reserve. Much of the committee's package was at his instigation as is this amendment today. He continues to focus on this highly important area of improving Guard and Reserve capabilities, and I want to commend him for these efforts.

Mr. WARNER. Mr. President, I also wish to commend our distinguished senior Senator from Mississippi, the former chairman for many years of the Armed Services Committee, for taking this initiative. No Member of the Senate watches out for the interest of the Guard and Reserve with more sincerity and diligence than our distinguished and beloved friend from Mississippi.

If I might share in just a brief reminiscence, of events during World War II when I served in the Navy. Thereafter, I joined the Marine Corps Reserves in 1949 and eventually served in Korea with the Marines. But during the years prior to service in Korea I trained many summers with the Marines, and we used what we call hand-me-down equipment.

Mr. STENNIS. Yes.

Mr. WARNER. They were the most ragged pieces of uniforms. Even some elements of that equipment were kept by the Marines since World War I. We compensated, of course, in the Marine Corps with the spirit as we call Semper Fi. We overcame the deficiencies and I know full well from first-hand experience the needs of the Marine Corps Reserve for equipment.

The marines have had to scrounge around and get those bits and pieces they need, oftentimes, I may say, stealing it from the Navy, to provide for their Reserve training.

As Members of the Senate begin to put more and more emphasis on the Reserve and the Guard as an essential element for our readiness posture in national defense and indeed my distinguished colleague from Georgia and myself time and time, joined by Senator STENNIS and others, have taken initiatives to strengthen the Guard and Reserve, including, of course, the Marines.

This is a particular important piece of legislation. I commend my dear friend from Mississippi for this initiative. This side accepts it.

Mr. STENNIS. Mr. President, I certainly thank the Senator from Virginia for his remarks and those of Senator NUNN. They both contributed to these programs, and I think that it spells out in part that we are going to have to turn to and should turn to these Reserve units more and more. Their assignments will be more and their recognition and their supplies will be more.

I thank both Senators.

Mr. WARNER. I just have one clarification to my distinguished colleague from Mississippi. It is the understanding that the equipment sought with this authorization will be restricted to the list enumerated by the distinguished Senator from Mississippi and the distinguished Senator from Georgia. Is that correct?

Mr. STENNIS. Yes. That is the general purpose of listing it here. The Senator from Georgia put the final touches on this list I am sure. He will respond to that.

Mr. NUNN. Yes. The list we have came from the Marine Corps. I used the word "discretionary." I do not mean that to imply that they could go beyond the list that we have attached here to be part of the report, but they could decide on the number of items within that list and would not have to spend the money in the exact accordance with the way we have multiplied the number of items times the funds per units.

Mr. WARNER. I thank the Senator from Georgia for that clarification, joined in by the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senator from Mississippi [Mr. COCHRAN] and the Senator from Virginia [Mr. WARNER] be added as cosponsors of the amendment relating to Marine Reserve equipment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Mississisippi.

The amendment No. 3222 was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, last evening I offered an amendment which was accepted relevant to small business set-aside, and I inadvertently misstated one aspect of it in response to a question from my friend from Georgia who was floor managing the bill for the minority, and we are working on a clarifying colloquy which I will offer on Monday, but I did want to alert any readers of the RECORD that there was an inadvertent misstatement by myself last night of one portion of that particular amendment on the small business set-aside, and I thank my friends for their understanding of this, and we will get back to it on Monday.

Mr. NUNN. I thank my colleague from Michigan and I recall the dialog we had on that, and it may be an important item, as far as the Small Business Committee is concerned. I look forward to continuing the dialog in that so we can clarify the RECORD on Monday.

Mr. President, we have a provision in this bill that relates to the construction of military vessels or major components of military vessels in a foreign shipyard.

Senator TOWER and I have discussed this at length. We have a couple of key questions in interpretation of this provision that we have dicussed in the committee.

Mr. TOWER. Mr. President, Congress has long been concerned about maintaining an adequate shipbuilding capability in the United States. This concern was formalized in the Defense Authorization Act, 1983 which amended chapter 633 of title 10, United States Code, by adding section 7309 to prohibit the construction of a U.S. naval vessel or the major component of the hull or superstructure of a U.S. naval vessel in a foreign shipyard.

A provision in the fiscal year 1985 defense authorization bill reported by the Senate Committee on Armed Services would expand the scope of this prohibition to include all U.S. military vessels. The majority of the committee believed that the intent of Congress was that tall major U.S. shipbuilding efforts by the Department of Defense should be undertaken in American shipyards. The use of the term "military vessel" would clarify the intent of Congress. If the provision recommended by the committee is enacted. The major shipbuilding efforts of each military department, not just those of the Department of the Navy, would be covered by this restriction.

Section 7309 does, however, provide that the President may authorize exceptions to this prohibition when he determines that it is in the national security interest of the United States to do so. There is one aspect of a possible Presidential determination of U.S. national security interest that should

be clarified, and that relates to the goals of enhancing the rationalization, standardization, and interoperability of the military forces of the North Atlantic Alliance.

I know of no one in the U.S. Congress who is more knowledgeable or who has taken greater interest in the policies and programs of NATO than the distinguished ranking minority member of the Senate Committee on Armed Services, Senator NUNN. In particular, Senator NUNN has consistently played a critical role in improving NATO defense cooperative efforts.

In fact, Senator NUNN, in cooperation with our former colleague, Senator John Culver, is responsible for the two major congressional policies on NATO defense cooperation. The Culver-Nunn amendments of 1976 and 1977 put the Congress clearly on record as favoring efforts to enhance NATO rationalization, standardization, and interoperability.

The 1976 amendment states in part:

It is the policy of the United States that equipment procured for the use of personnel of the Armed Forces of the United States stationed in Europe under the terms of the North Atlantic Treaty should be standardized or at least interoperable with equipment of other members of the North Atlantic Treaty Organization. In carrying out such policy the Secretary of Defense shall, to the maximum feasible extent, initiate and carry out procurement procedures that provide for the acquisition of equipment which is standardized or interoperable with equipment of other members of the North Atlantic Treaty Organization whenever such equipment is to be used by personnel of the Armed Forces of the United States stationed in Europe under the terms of the North Atlantic Treaty.

With respect to the prohibitions on foreign construction of U.S. vessels contained in section 7309 of title 10 and the President's authority to authorize exceptions when he determines that it is in the national interest to do so, it is the view of this Senator that the Culver-Nunn amendments would justify a Presidential determination on the grounds of enhancing NATO rationalization, standardization, and interoperability.

I would like to ask the Senator from Georgia if he shares this view.

Mr. NUNN. Mr. President, I appreciate the opportunity to clarify this important issue.

I fully agree with the views of the chairman of the Committee on Armed Services. You quoted that crucial policy statement enacted by the 94th Congress regarding standardization and interoperability in NATO. I would only add that it took us a second year to add the following provision to law which is crucial to our purposes here today:

(2) Whenever the Secretary of Defense determines that it is necessary, in order to carry out the policy expressed in paragraph (1) of this subsection, to procure equipment manufactured outside the United States, he is authorized to determine, for the purposes of Section 2 to title III of the Act of March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10a), that the acquisition of such equipment manufactured in the United States is inconsistent with the public interest.

As the distinguished chairman will recall, this paragraph was inserted in order to make it perfectly clear that interoperability and standardization in NATO procurement would be in the national interest and would be sufficient reason for exclusion under the so-called Buy America Act.

Section 7309 of title 10, and the amendments thereto proposed in this bill, parallel the Buy America Act. It is important to note that rationalization, standardization, and interoperability [RSI] in NATO is no less critical now than it was in 1976 when we first passed the Culver-Nunn amendment. NATO's defensive capabilities could be substantially improved by an expanded and more dedicated RSI effort. The duplication of effort in NATO and current lack of interoperability wastes resources committed to defense by NATO member states.

NATO collectively continues to outspend the Warsaw Pact, but we don't achieve the maximum capability for the dollars expended because of continuing inefficiencies, too often bred by sentiments of local protectionist ones, that impede RSI efforts must be put aside if the alliance is to provide a credible conventional deterrent.

Given the importance of NATO RSI, a Presidential determination to except the prohibitions of section 7309 of title 10 on the basis of fulfilling NATO RSI goals would clearly meet the criterion of being in the U.S. national interest. Since 1978, the Congress has set a precedent for such a determination by providing for exceptions to various Buy America restrictions when the goals of NATO standardization and interoperability would benefit.

Mr. President, I thank Senator TOWER for raising this important issue and for providing me the opportunity to present my views.

Mr. TOWER. Mr. President, I fully concur with the remarks of the Senator from Georgia. I appreciate his clarification of this issue, and I laud his continuing efforts to strengthen the North Atlantic Alliance.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Texas.

It is my understanding that the final matter that we will now cover is an amendment to be offered by the Senator from Virginia relating to the housing allowances for military and the members of the clergy.

AMENDMENT NO. 3223

(Purpose: To clarify congressional intent with respect to the tax treatment of basic allowance for quarters and basic allowance for subsistence, and any rental allowance provided to ministers)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for himself and Mr. HELMS and Mr. EXON, proposes an amendment numbered 3223.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54, between lines 14 and 15, insert the following new section:

CLARIFICATION OF TAX TREATMENT OF CERTAIN ALLOWANCES

SEC. 160b. (a) (1) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 431. Tax treatment of basic allowance for quarters and basic subsistence allowance

"In determining whether any deduction allocable to basic allowance for quarters (including any variable housing allowance, station housing allowance, or similar allowance) or basic subsistence allowance is allowable under the Internal Revenue Code of 1954, such allowance shall not be considered as exempt from income taxes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"431. Tax treatment of basic allowance for quarters and basic subsistence allowance.".

(b) For the purposes of determining whether any deduction allocable to any rental allowance paid to a minister of the gospel as part of the compensation of such minister is allowable under the Internal Revenue Code of 1954, such allowance shall not be treated as exempt from income taxes.

Mr. WARNER. Mr. President, I ask unanimous consent that the cosponsors of this amendment be Mr. HELMS and Mr. EXON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I am offering this amendment in order to clarify and make explicit the longstanding intent of Congress regarding the tax treatment of tax-exempt allowances for housing and subsistence which are paid to our service personnel and rental allowances for parsonages which are paid to ministers.

The Treasury Department recently approved and then delayed until January 1985, implementation of a revenue ruling that would require members of the clergy to reduce their deductions for tax-deductible housing expenses to the extent that they are covered by tax-free allowances.

Mr. President, I believe they made an incorrect analysis in that case and now appear to be on the verge of extending it to a group of Americans that are watching the debate on this bill with great interest.

As many of my colleagues fully appreciate, the Internal Revenue Service is currently considering extending that ruling to our military personnel.

Language approved by the Senate for the Budget Deficit Reduction Act, if accepted in conference, would have delayed implementation of any such ruling for both groups until 1986.

Unfortunately, even if the conference committee had accepted the Senate's position, we would still be doing a disservice to millions of our service people and ministers who are waiting resolution of this matter.

The amendment I offer today addresses the plight of these two groups who are so vital to our society.

I fully support maintenance of the status quo for them; not because a benefit is justified—it is—but because it is demonstrably more cost effective for the Government.

In the case of the ministers, their salaries and allowances are paid by the tax-deductible contributions of the members of their respective congregations.

Any loss to the minister due to additional taxes he must pay as a result of Revenue Ruling 83-3 will inevitably be made up by increased contributions from members of the congregation.

Those contributions are, of course, deductible.

Since each increment of increase paid to the minister will be taxable, the before-tax contribution will exceed the total cut that is made up for him.

As a result, the increase in deductible contributions may well exceed the new tax revenue gained from the minister and the Treasury could experience a new loss in revenue.

Mr. President, I raise this issue today, on this bill, because I consider the situation urgent for our uniformed service members due to the frequency with which they move and face rent-or-buy decisions.

For that reason, any delay seriously exacerbates their concerns.

Career-service members must consider tax treatment of their allowances when they are reassigned and forced to make a rent-or-buy decision.

Literally hundreds of these decisions are being made daily.

Without a prompt resolution of this issue, the men and women of our Army, Navy, Marine Corps, Air Force, and Coast Guard must assume the worst.

Secretary Weinberger recently wrote Secretary Regan and pointed out this fact.

He also noted that this particular benefit issue, unlike any other under current consideration, would have immediate impact on take-home pay.

The more than 272,000 current military homeowners would suffer a permanent pay cut of from 4 to 6 percent, depending on many individual factors.

Those faced with a rent-or-buy decision in the future would also face that cut if they buy.

That can only be a powerful disincentive to homeownership for them.

For some current homeowners it could, literally, mean bankruptcy.

Recently, I asked the Department of Defense for their assessment of the impact if such a revenue ruling is implemented for our military personnel.

General Chavarrie's reply indicates a significant, negative impact on morale and retention.

Mr. President, I ask unanimous consent that my question and General Chavarrie's answer be printed in the RECORD at this point.

I also ask unanimous consent that Secretary Weinberger's letter to Secretary Regan be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPACT OF PROPOSED DEDUCTION DISALLOWANCE

QUESTION. Gentlemen, as you know, the Internal Revenue Service and Treasury are studying a proposed Revenue Ruling which would deny otherwise tax deductible housing expenses to the extent they are covered by already tax free allowances such as BAQ. It has been reported that the Secretary of Defense has written the Secretary of the Treasury strongly opposing the proposed ruling. Please provide us with your assessment of both the near and long term impact if such a Revenue Ruling is implemented.

Answer. We foresee significant near term and long term impact. Morale, retention, and the budget would all be affected. This action would have a devastating financial impact on the persons directly affected. The significant loss of take-home pay which these personnel would suffer would undoubtedly lower their morale and, for many, could be the deciding factor in choosing not to remain in military service. Further, the effect of this action will extend well beyond those directly affected, ranging from those persons not now homeowners, who will perceive that homeownership has become economically infeasible, to those who will view it as a general assault on military benefits.

We would expect an immediate adverse impact on retention. Though the effect is difficult to quantify, we estimate that the career force could be reduced by up to 9,000 members within five years after the limitation goes into affect, as compared to what the career force would otherwise be. The adverse retention effect of this ruling will be proportionally greater for senior NCOs and petty officers who are eligible for retirement, since they are more likely to own homes and to be in higher tax brackets than other members of the enlisted force and tend to be more responsive to pay changes than for those approaching 20 years of service. To the extent that retention is reduced, it will be necessary to recruit additional entry level personnel to replace the lost careerists. In the environment which we face now of an improving economy and a declining youth population, making our recruiting objectives could prove to be very difficult. The retention effect on our officer community could be even worse than for career enlisted. Since officers are proportionally greater homeowners and would suffer the greatest financial loss under this ruling, we can expect many to leave military service.

We can estimate the financial impact on military homeowners. Approximately 270,000 servicemembers live in homes they own and would be adversely affected by the revenue ruling. The disallowance of deductions for interest and property taxes to the extent of housing allowances would effectively cut their pay by an estimated 4 to 6 percent. Of these, 80 percent are in pay grade 0-3 or lower. For example, a typical homeowner in grade 0-3 in San Antonio, Texas, would have a pay cut of $1,213 per year. An E-7 in Washington, D.C., would lose $1,054. We estimate the total pay loss to be $320 million. The greatest share of this loss is in grades 0-5 ($40M), 0-4 ($45M), 0-3 ($40M), E-7 ($40M), and E-6 ($35M).

Because of equity considerations and the potential impact on retention, these losses in take-home pay may need to be restored. Thus, the potential budget impact results from restoring the pay of affected personnel to the pre-disallowance level. We estimate the cost of restoring the take-home pay of those members affected to be approximately $1.1 billion. Restoring pay would be accomplished by raising housing allowances. The allowances would have to be raised for those who rent as well as the members who purchase their homes. Because it may be unworkable to make a direct reimbursement for the take-home pay loss to those members affected, the most practical and cost-effective solution may be to authorize the deductions explicitly for mortgage interest and property taxes which military homeowners can presently take.

THE SECRETARY OF DEFENSE,
Washington, DC, February 15, 1984.

Hon. DONALD T. REGAN,
Secretary of the Treasury,
Washington, DC.

DEAR DON: Thank you for your letter of January 12, 1984 concerning possible action by the Internal Revenue Service to deny deductions for home mortgage interest and property taxes paid by members of the armed forces who receive tax free housing allowances.

I appreciate your willingness to involve the Administration in what was perceived by some as an issue within the Internal Revenue Service's enforcement authority. I appreciate also your determination to preclude enforcement of any decision adverse to military members that would affect mortgage interest and property taxes paid before January 1, 1985. These actions will meet the immediate concerns of most servicemembers who could have been adversely affected by the Internal Revenue Service position on this matter.

For two reasons, I remain concerned, however, that the Administration must resolve this issue promptly. First, there is my concern for the career servicemembers who must consider this issue when they are forced to make a decision to rent or buy a home upon reassignment. Hundreds of these decisions are being made daily, and a lengthy period of issue resolution may only serve to emphasize the fact that the Government presently does not adequately reimburse military families who move pursu-

ant to Government orders. Second, there is no current military compensation issue that more directly affects the career force. This issue affects today's take-home pay. Thus, the issue has an immediacy that future benefits such as retirement pay will never assume.

So if we could resolve this issue by midsummer this year it would be very helpful—but, of course, better the present situation than the wrong resolution! The Defense staff and I will be pleased to help in any way you think would be useful. We look forward to our discussions with you and your staff.

Sincerely,

CAP.

Mr. WARNER. Mr. President, those of us who have worked with military compensation for many years are well aware of the concept of a total compensation package.

The Armed Services Committee under the leadership of the distinguished Senator from Mississippi, and then under the leadership of the distinguished Senator from Texas, has worked to establish a compensation package for military personnel which equates to what they might expect if they chose a career in the private sector.

That effort is dramatically apparent in the quality of individuals coming into the military today and in the higher retention rates the services presently enjoy.

Revenue rulings dating back at least to 1955 and a 1925 court of claims case uphold the current tax treatment of the allowances in question here.

My amendment does not create any new benefits or add any additional costs to this bill.

It merely serves to make explicit the longstanding intent of Congress for our service people and clergy.

It will also have the added benefit of removing the strain of not knowing the outcome of this attack on their compensation.

The proposed revenue ruling has been hanging over their heads like the "Sword of Damocles," an impending disaster for those individuals and, indirectly, to military readiness.

Mr. President, the Congress has provided tax advantages for military allowances for many, many years as an intended part of the total compensation package for our military personnel.

They provide a very efficient and cost effective means to offset some of the hardships of military service.

A servicemember's entitlements are comprised of pay and allowances.

Pay is defined as "basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances."

Military allowances are not considered compensation for services rendered.

Congress closely examines military compensation every year to ensure fairness to our service people and the taxpayers.

The IRS has long respected this practice.

The tax advantages accruing to military allowances may appear to be anomalous to some tax accountants, but, in fact, there is a clear history of executive, judicial and legislative approval for them.

Housing allowances, in various forms, have existed for the military since before the Civil War.

These allowances were determined to be nontaxable in 1925.

The IRS adopted the position of the Court of Claims decision and issued Treasury Decision 3724 which announced as policy the nontaxable nature of allowances for quarters.

The current Basic Allowances for Quarters [BAQ] was created as an entitlement by section 302 of the Career Compensation Act of 1949.

Variable Housing Allowance [VHA] was added recently through the efforts of this body to more equitably target regional variations in housing expenses.

The importance of providing housing for the military is seen in the judicial attitude concerning their right to publically provided quarters.

The Supreme Court has said:

> Quarters are expected to be furnished by the Government . . .; When it cannot thus furnish, it allows them to be obtained otherwise and pays a monthly compensation therefor called commutation.

The Court of Claims has gone even further by stating:

> Public quarters . . . (is) are as much a military necessity as the procurement of implements of warfare or the training of troops.

The court added:

> Military quarters . . . are no more than an integral part of the organization itself. They are . . . the indispensible facilities for keeping the Army intact.

BAQ, by statutory definition, is not considered a part of a servicemember's pay.

BAQ is paid to an eligible member regardless of its resultant or intended use.

Thus it is a statutory entitlement to a fixed sum of money unrelated to any actual expenses incurred for private quarters.

The judicial attitude that an allowance for quarters is for the benefit of the Government and not the individual, explains, in part, the favorable tax treatment of such allowances.

The strongest indication of congressional intent regarding this tax treatment is found in the statutory definition of Regular Military Compensation [RMC]:

> "Regular compensation" or "regular military compensation [RMC]" means the total of . . . basic pay, basic allowance for quarters (including any variable housing allowance or station housing allowance), basic allowance for subsistence: and Federal tax advantages accruing to the aforementioned allowances because they are not subject to Federal income tax.

This definition of RMC makes it clear that Congress intended the allowances to receive favorable tax treatment.

The tax benefits allowed for these allowances are, no doubt, a recognition of the fact that the military housing situation is unique.

The military member must occupy adequate public quarters, when available, or forfeit his allowance.

He can receive BAQ and VHA only when the Government has failed to provide those quarters.

Military personnel are frequently required to move involuntarily, with no compensation for real estate expenses, a benefit commonly available to employees in the private sector in similar circumstances.

They may be required to relocate to high-cost areas, such as the Washington metropolitan area, where they find little or no government housing available for them.

Their moving expenses are generally not fully reimbursed.

They face frequent and prolonged family separations.

Their working conditions are frequently hazardous.

They live each day knowing they may be called on with little notice to combat areas where they will be expected to risk their very lives for us.

Tax advantaged allowances such as the basic allowance for quarters and the variable housing allowance, allow us to address the special housing needs of our military personnel in the most cost-effective manner.

With separate allowances, as opposed to basic pay, the needs and even variations in costs from region to region can be targeted.

Making such allowances tax free reduces the amounts Congress must appropriate to provide fairly for the targeted expenses.

The Department of Defense estimate to restore take-home pay of those affected is $1.1 billion.

This is because any raise to restore their losses would have to be paid across the board to homeowners and renters alike.

Yet the offsetting gain to the Treasury would only be about $300 million.

The proposed revenue ruling would then mean a net loss to the Treasury of $800 million.

The most insidious aspect is already in effect.

Just the threat of this loss of part of their compensation is having an adverse morale impact on our service people.

For the men and women of our uniformed services, this is one more glaring example of erosion of their benefits.

Moreover, they view it as an attack on one of the most fundamental and long-standing aspects of their total compensation package.

The resulting influence on retention, and eventually readiness, is bound to be negative.

What will it cost us to recover from that?

Mr. President, we have historically sought comparability in total compensation for our military personnel.

Revenue ruling 83-3 would destroy that carefully constructed comparability by telling our service people that some of their take-home dollars are not as valuable as a civilian's of comparable pay, if they spend them on a home.

I urge my colleagues to continue making explicitly clear the tradition dating to 1925 that our service people deserve the existing tax treatment as a well earned and appropriate benefit, and as a uniquely cost-effective means for the Government of the United States to discharge part of its obligation to house the uniformed personnel who so steadfastly protect this Nation.

Mr. President, at this time I yield to my distinguished colleague from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, I support completely the amendment of my good friend the able Senator from Virginia [Mr. WARNER] and I am honored to join him in sponsoring it.

Mr. President, in early 1983 the Internal Revenue Service issued a ruling preventing ministers from deducting mortgage interest and taxes on their residence to the extent that they receive a traditional, nontaxable parsonage allowance. Later, the IRS indicated that it would apply the same ruling to military personnel with respect to their quarters allowance.

As a consequence of these IRS actions, I introduced a bill, S. 2017, to preserve the status quo for both ministers and military personnel. When the deficit-reduction package came before the Senate in April, Senator WARNER and I jointly sponsored an amendment—which was adopted—to postpone the implementation of the IRS ruling until January 1, 1986. In the meantime, Congress would have time to study the whole matter and to decide if this change in current law is merited. Many, including myself, have questioned whether the IRS should have attempted to make such a substantive change in the law unilaterally anyway.

Mr. President, the Warner-Helms amendment will complement our amendment to the deficit-reduction package. It is a fact that if the IRS ruling is allowed to take full effect, both ministers and military personnel will be given a direct pay cut. Churches would face the prospect of having to raise the pay of their clergy, and Congress would have to do likewise for the military. Moreover, the uncertainty already caused the military in this matter has had an adverse effect on troop morale, according to reports available to my office.

I urge my colleagues to support this amendment.

Mr. President, an enlightening article on the military side of this subject appeared in the fall 1983 edition of the Military Law Review. I ask unanimous consent that this article, written by Maj. Thomas A. Pyrz of the Judge Advocate General's Corps, U.S. Army, and entitled "Deductibility of Mortgage Expenses by the Military Homeowner after Revenue Ruling 83-3," including footnotes be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEDUCTIBILITY OF MORTGAGE EXPENSES BY THE MILITARY HOMEOWNER AFTER REVENUE RULING 83-3

(By Maj. Thomas A. Pyrz)*

I. INTRODUCTION

Since 1925, the military homeowner has enjoyed the benefits of a nontaxable allowance for quarters.[1] This allowance is generally used to offset, at least in part, the service member's monthly mortgage payment. The portions of the payment which constitute interest[2] and taxes[3] are allowable itemized deductions under current tax laws. This allows a military homeowner to use tax-exempt dollars to generate a second tax benefit in the form of itemized deductions to the extent that these deductions exceed the zero bracket amount. A recent Internal Revenue Service (IRS) Revenue Ruling, 83-3, raises doubt concerning the continued availability of this tax benefit for the military homeowner. This article will analyze Revenue Ruling 83-3 and its potential effect on the military homeowner.

II. THE RULING

Revenue Ruling 83-3 was issued in January of 1983 on the initiative of the IRS rather than at the request of a specific taxpayer. The ruling announces IRS policy that, "veterans and other students may not deduct educational expenses; and ministers may not deduct interest and taxes paid on a personal residence, to the extent the amounts expended are allocable to tax-exempt income."[4]

The ruling states that section 265(1) of the 1954 Internal Revenue Code (IRC) prohibits the deductions in question. Section 265(1) provides that no expense may be deducted for "any amount otherwise allowable as a deduction which is allocable to one or more classes of income . . . wholly exempt from the taxes imposed by this title."[5] This section of the Code is substantially unchanged from its predecessor, section 24(a)(5) of the Revenue Act of 1934.[6]

This ruling expressly overrules Revenue Rulings 62-212[7] and 62-213[8] which had authorized the deductions which 83-3 now denies. Ruling 62-212 dealt with the deductibility of a minister's mortgage expenses paid out of his tax-exempt "rental allowance" governed by section 107, IRC. The section of Revenue Ruling 83-3 dealing with the deductibility of a veteran's reimbursed educational expenses merely adopts the position of the Tax Court of the United States in the case of Manocchio v. Commissioner.[9] Prior to any discussion of the effect of the ruling on the military homeowner we must examine the two prongs of the ruling in greater detail.

III. THE RULING AND THE MINISTERS

Section 107, IRC, provides:

In the case of a minister of the gospel, gross income does not include—

(1) The rental value of a home furnished to him as part of his compensation; or

(2) the rental allowance paid to him as part of his compensation, to the extent used by him to rent or provide a home.[10]

There is no statutory entitlement to a rental allowance for a qualifying member of the clergy. Congress had merely created a specific exclusion from gross income for the rental allowance to the extent it is used to offset actual or reasonable expenses. Section 107, IRC, was drawn from section 22(b)(6) of the 1939 IRC and has remained substantially unchanged since it first appeared in the Revenue Act of 1921.[11] The legislative history of section 107 provides no indication why Congress granted this tax benefit to the clergy.

Whatever its congressional inspiration, the "parsonage exclusion" is much less attractive after Revenue Ruling 83-3. At its broadest, the exclusion is not available to all clergy. * * *.

* * * * *

* * * airline pilot who attended a flight-training course which maintained and improved the skills required in his profession. Pursuant to section 1677 of Title 38, U.S. Code, he received checks from the Veterans Administration (VA) covering 90 percent of his expenses. He endorsed the checks over to the training facility. These reimbursements were not taxable income to him; section 3101(a) of Title 38, U.S. Code provides a blanket exclusion from taxation for all benefit payments received pursuant to any law administered by the VA. Manocchio, properly, did not report the payments as income on his 1977 Federal Income Tax return. He nonetheless deducted the entire flight-training expense as a business expense on this return.[21]

The Tax Court found that the expense was "directly allocable" to tax-exempt income and therefore nondeductible under section 265(1), IRC. Manocchio argued that section 265(1) did not apply to his case because the section was intended to apply only to expenses incurred in producing tax-exempt income. His argument was based on the legislative history of section 24(a)(5) of the Revenue Act of 1934, the predecessor of section 265(1).[22] While the court conceded that the "principal target" of the provision was expenses incurred in an active trade business or investment activity, it was unwilling to read the provision as limiting the scope of section 265(1) to so narrow an area.[23]

The court found that section 265(1) was intended to reach all expenses "allocable to" exempt income. As such, it found the language of section 265(1) broad enough to reach situations such as Manocchio's wherein, but for the expense, there would be no tax-exempt income. The court further found that a one-for-one relationship between the reimbursement and the expenses created a sufficient nexus to consider the expense "direct allocable" to the tax-exempt income.

Manocchio's final argument was based on an equal protection theory. He argued that it was unfair discrimination for the IRS to

disallow an expense deduction for recipients of benefits under section 1677 while still permitting expense deductions for recipients of VA benefits under section 1681 of the same Title, education allowance benefits. The court found that, since the section 1681 benefits were paid in the form of a "living stipend" and not paid based upon any actual training cost, the different tax treatment was not unreasonable.[24]

V. THE RULING AND THE MILITARY HOMEOWNER

Having now considered the effect of Revenue Ruling 83-3 on the minister's "rental allowance," and the court's decision in Manocchio, the skeptical military homeowner must wonder whether he or she can still deduct mortgage expenses even though BAQ and VHA are tax-exempt income. The answer lies in a closer analysis of section 265(1), its legislative history, and a study of the congressional and judicial treatment of BAQ and VHA.

At first blush, the similarity between the parsonage allowance and the military allowance for quarters is startling. In reality, the allowances are quite different in form and in their treatment by Congress.

A service member's entitlements are comprised of pay and allowances. Pay is defined as "basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances."[25] Military allowances are not considered compensation for services rendered.[26] Housing allowances have existed for the military since before the Civil War.[27] These allowances were determined to be nontaxable by the Court of Claims in 1925.[28] The IRS adopted this decision and issued Treasury Decision 3724 which announced the nontaxable nature of allowances for quarters as IRS policy.[29] The current BAQ was created as an entitlement by section 302 of the Career Compensation Act of 1949.[30] The legislative history of this Act gives no indication as to the intended tax treatment of BAQ.

Congress, however, clearly intended the BAQ and VHA to be treated differently than the ministers' rental allowance. Unlike the specific exclusion from gross income given the ministers' allowance, the BAQ is merely excluded from the definition of gross income in the IRC.[31] While a rental allowance, by statute, must be paid to a minister as a part of regular compensation,[32] BAQ, by statutory definition, is not considered a part of a service members pay. The BAQ is paid to an eligible member regardless of its resultant or intended use. The minister only receives the tax-exempt allowance if an expense is generated. The BAQ is a statutory entitlement to a fixed sum of money unrelated to any actual expenses incurred for private quarters. The rental allowance is not fixed by statute and is limited to a reasonable amount. These differences show that the only real similarity between the two allowances is that they are both generally related to housing. After that, any comparison of the two fails.

The importance of providing public housing to the military has been noted in the judicial attitude concerning the right to public quarters. The Supreme Court has said: "Quarters are expected to be furnished by the government . . .; when it cannot thus furnish, it allows them to be obtained otherwise and pays a monthly compensation therefore called commutation."[33] The Court of Claims has gone further by stating: "Public quarters . . . are as much a military necessity as the procurement of implements of warfare or the training of troops."[34] The court added: "military quarters . . . are no more than an integral part of the organization itself. They are . . . the indispensible facilities for keeping the Army intact. . . ."[35]

This judicial attitude that an allowance for quarters is for the benefit of the government and not the individual explains, in part, the favorable tax treatment of BAQ. The ministers' rental allowance does not enjoy this exhalted position.

It could be argued that Congress has defined away BAQ from any application of section 265(1): this provision of the Code would now allow "an otherwise allowable deduction which is allocable to one or more classes of income . . . wholly exempt from the taxes of this subtitle . . . ."[36] One could argue that, BAQ in not income, section 265(1) does not apply and the deduction for interest and taxes allocable to BAQ are therefore allowable under sections 163 and 164.

This technical analysis of section 265(1) stretches a point and may leave the military homeowner uncomfortable. The definition of income is the subject of much disagreement among tax scholars;[37] the homeowner need not rely solely on defining the problem away.

To understand the critical difference between the ministers' rental allowance and BAQ, the Tax Court's decision in Manocchio must be recalled. That court's holding merely extended the prohibition of section 265(1) to cover the stituation where tax-exempt dollars were "generated" by incurring an expense. Receipt of the specific exclusion under section 107 is conditioned upon the actual expenditure of the allowance for rental or mortgage expenses. Even then, the exclusion is limited to a reasonable living expense and can never exceed the amount actually expended by the minister; it is the expense that generates the tax-exempt dollars. The exclusion is tied dollar-for-dollar to the expense and is "directly allocable to the expense."

Receipt of BAQ has no such precondition. The entitlement does not depend on whether the military recipient generates an expense. It is fixed by statute and payable whenever suitable quarters are not provided to eligible service members. A service member may live in a parent's home, pay nothing, and still receive BAQ. As such, section 265(1) does not apply because any deductible expense is not "directly allocable" to the tax-exempt income; the expense does not generate the tax-exempt dollars.

The final obstacle to the continuing deduction is found in the IRS position that the IRC shall not be read to allow a "double deduction" absent a "clear declaration" of congressional intent.[38] Congress has shown this intent, however, with respect to the BAQ.

The strongest indication of congressional favoritism for the BAQ is found in the statutory definition of Regular Military compensation (RMC): "regular compensation" or regular military compensation (RMC) means the total of . . . : basic pay, basic allowance for quarters (including any variable housing allowance or station housing allowance), basic allowance for subsistence: and Federal tax advantages occurring to the aforementioned allowances because they are not subject to Federal income tax.[39]

This definition of RMC makes it clear that Congress intended the allowance to receive favorable tax treatment. The tax benefits allowed for BAQ are, no doubt, a recognition that the military housing situation is unique. The military member must occupy adequate public quarters, when available, or forfeit the allowance.[40] The service member can receive BAQ only when the government has failed to provide those quarters. Because of this unique situation, the military receives a tax advantage that is not available to Department of the Army contract surgeons[41] or to former members of the military.[42]

VI. CONCLUSION

When the technical legal arguments have all been made, the ultimate decision as to the deductibility of the military homeowners' mortgage expenses will be decided by reference to section 265(1), IRC. If the reach of that section is broad enough to prohibit deductions for otherwise deductible expenses simply because they are paid out of tax exempt dollars, the military homeowner may become extinct. The tax benefit received because of the deductibility of these mortgage expenses would be reduced by 60 to 100 percent, depending upon mortgage terms and BAQ and VHA rates.

In the final analysis, it seems unlikely that the IRS will attempt to question the deductibility of these mortgage expenses payable from BAQ. The congressional intent to provide favorable tax treatment to military BAQ is unquestionable. The recent extension of section 265(1) to prohibit the previously allowed deductions concerned in Revenue Ruling 83-3 is not inconsistent with continued favorable treatment for the BAQ. In both the VA and rental allowance cases, the extension merely applies to the denial of expense deductions which generate tax-exempt dollars. But for the expenses, there would be no tax-exempt income in either case.

Judge Fay's concurring opinion in Manocchio states: "I agree petitioner's claimed deduction is disallowed by section 265(1). However, I disagree with any implication that we are deciding section 265(1) applies to expenses paid out of exempt income. . . . Given the legislative history's indication that the principle target of section 265(1) is expenses incurred in the production of exempt income, I find no reason to consider any possible reach of section 265(1) beyond that clear target."

Judge Fay's opinion was joined by two other members of the five judge panel. While the opinion does not decide the issue expressly, it seems that the Tax Court will not extend the reach of section 265(1) to deny a deduction merely because the expense is paid out of tax-exempt dollars. Given the present feeling on the court and the tremendous ramifications which an adverse decision would have on the armed services, it seems that Revenue Ruling 83-3 is no more than an initial scare for the military homeowner.

The issue discussed in this article has not yet been presented to or by the IRS. Until such time as it is raised, the military homeowner should continue to deduct the expenses on the theory that section 265(1) does not apply to expenses simply because they are paid out of tax-exempt funds.

FOOTNOTES

* Judge Advocate General's Corps, United States Army. Currently assigned to the Litigation Division, Office of The Judge Advocate General, U.S. Army, 1983 to present. Formerly assigned to Office of the Staff Judge Advocate, III Corps, Fort Hood Texas, 1980-82; Battery Commander, Headquarters and Headquarters Battery, III Corps Artillery, Fort Sill, Oklahoma, 1976-77. J.D., Indiana University, 1980; B.S. United States Military Academy, 1971. Completed 31st Judge Advocate Officer Graduate Course, 1982-83; Distinguished Graduate, 94th

Judge Advocate Officer Basic Course, 1980; Completed Field Artillery Officer Advanced Course, 1976. Member of the bar of the state of Indiana.

[1] *Jones* v. *United States*, 60m Ct. Cl. 552 (1925).
[2] I.R.C. § 163 (1976).
[3] *Id.* at § 164.
[4] Rev. Rul. 83-3, 1983-1 I.R.B. 10.
[5] I.R.C. § 265 (1976).
[6] Revenue Act of 1934, Pub. L. No. 216, § 24, 48 Stat. 691 (1934).
[7] Rev. Rul. 62-212, 1962-2 C.B. 41.
[8] Rev. Rul. 652-613, 1962-2 C.B. 59.
[9] Manocchio v. Commissioner, 78 T.C. 989 (1982).
[10] I.R.C. § 107 (1976).
[11] W. Pedrick & V. Kirby, The Study of Tax Law—Income Tax Volume 81 (1979).

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[21] *Manocchio* v. *Commissioner*, 78 T.C. 989 (1982).
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] U.S.C. § 101(21) (Supp. V. 1981).
[26] Weiss, "Tax Problems of the Serviceman," 34 Taxes 277 (1956).
[27] Ct. Cl. at 555.
[28] *Id.*
[29] Treas. Dec. 3724, IV-2, C.B. 136 (1925).
[30] Career Compensation Act of 1949, Pub. L. No. 351, 302, 63 Stat. 815 (1949).
[31] Treas. Reg. 1.61-2(b), T.D. 6416, 6696 (1963).
[32] I.R.C. § 107 (1976).
[33] *United States* v. *Phisterer*, 94 U.S. 224 (1877).
[34] See *Jones*, 60 Ct. Cl. at 569.
[35] *Id.*
[36] See I.R.C. § 265 (1976) (emphasis added).
[37] See Pedrick & Kirby, *supra* note 11, at 41.
[38] Rev. Rul. 83-3, 1983-1 I.R.B. 10.
[39] 37 U.S.C.A. § 101(a) (Supp. 1982).
[40] U.S. Dep't of Army, Reg. No. 210-50, Installations—Family Housing Management, Para. 3-3 (1 Feb. 1982).
[41] Rev. Rul. 60-66, 1961-1 C.B. 21.
[42] *Van Rosen* v. *Commissioner*, 17 T.C. 834 (1951).

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, we have looked at the amendment of the Senator from Virginia. I have some reservations about putting that amendment on this bill. I am for the substance of the amendment. This matter has been checked with the chairman of the Finance Committee and the ranking minority member of the Finance Committee. I think the chairman of the Finance Committee gave his assent and I would say the ranking minority member did not interpose an objection. Therefore, I will not object to the amendment.

Mr. WARNER. Mr. President, at this time I wish to state that the observations by the distinguished Senator from Georgia are correct. This matter has been reviewed by both the chairman and the ranking minority member of the Finance Committee.

I was informed that, regrettably, at the conference yesterday the basic substance of this amendment, which I put forth as an amendment to the Deficit Reduction Act, was rejected by the conference. In the words of the Senator from Kansas [Mr. DOLE], he thought it was wise that I proceed today very promptly to try and recover the lost ground of yesterday, because the purport of this legislation is to help two very, very needed professions. It is, therefore, my desire to see that this be done as promptly as we can.

Mr. President, seeing no Senators desiring to speak upon this measure pending before the Senate, I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Virginia [Mr. WARNER].

The amendment (No. 3223) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are waiting for the distinguished Senator from Utah. It is my understanding that this will be the last item with respect to this bill today and that we can anticipate the leadership on this side will soon join the distinguished Senator from West Virginia on the floor which will conclude today's activities.

Mr. NUNN. That is my understanding, also, I would say to my friend from Virginia. I do have a NATO amendment that I could bring up, if the Senator would like to discuss it and vote on it this afternoon by voice vote.

AMENDMENT NO. 3224

(Purpose: To establish a Secretary of Defense Joint Service Study Group to study and recommend possible changes in Military Dress and Appearance Regulations to accommodate Religious Requirements of Members of the Armed Services)

Mr. HATCH. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3224.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of page 239 add the following new section:

STUDY OF MILITARY DRESS AND APPEARANCE REGULATIONS AND RELIGIOUS REQUIREMENTS OF MEMBERS OF THE ARMED SERVICES

SEC. . (a) In an effort to augment religious freedom in the Armed Services, to the greatest extent consistent with requirements for discipline and uniformity, the Secretary of Defense shall form a Joint Service Study Group, to consist of two representatives from each Service appointed by the Chief of each Service, and four non-military citizens, one to be selected by the Chief of Chaplains of each of the four services, to conduct a study concerning the dress and appearance standards for members of the Armed Services.

(b) Such study shall focus on the interests of members of the Armed Services in abiding by their religious tenets and the interests of the military services in maintaining discipline and uniformity of appearance. The views of non-military representatives of various major religious organizations concerning religious dress and appearance requirements will be presented to the Study Group in written or oral testimony and shall be included in the study.

(c) Upon completion of the Study Group shall recommend to the Secretary of Defense any changes in military regulations which may be necessary and appropriate to reasonably accommodate the interests of members of the Armed Service in abiding by their religious tenets and the interests of the military services in maintaining discipline and uniformity of appearance. The Service Secretaries shall issue changes, as appropriate, in military regulations pursuant to these recommendations to become effective no later than January 1, 1985.

(d) A report of the findings and recommendations of the study group, together with any changes made in military regulations, shall be submitted to the Committees on Armed Services of the Senate and House of Representatives by January 1, 1985.

Mr. HATCH. Mr. President, my proposed amendment and a similar Solarz amendment passed in the House have been prompted by the May 8 decision of the U.S. Court of Appeals for the District of Columbia circuit in the case of *Goldman* v. *Secretary of Defense*, No. 81-3197.

In offering this legislation and directing that the military services conduct a thorough study of this subject and that they issue appropriate regulations, I do not mean to suggest that the basic, underlying constitutional question should not be decided promptly by the courts in favor of religious freedom. I think it is important that the court of appeals consider the Goldman case en banc, and I would hope that the full Court would reverse the unfortunate decision of the lower court. I also hope that if the court of appeals does not so rule, the Supreme Court of the United States grants certiorari and reverses the Goldman decision.

It appears to me, as I am sure it appears to my colleagues in the Senate and those in the House, that it is in the finest traditions of religious freedom in this country to permit very slight accommodations to religious observance that the military would be allowing if orthodox Jewish servicemen were permitted to wear unobtrusive yarmulkes. I hope that neither the court of appeals nor the Supreme Court reads our action today as undercutting, in any way, the importance of prompt decisions by those courts on this constitutional question.

Although my proposal gives the military services until January 1, 1985, to issue regulations which make necessary and appropriate accommodations for religious freedom, the services should be cognizant of the fact that there are individual enlisted personnel who are daily being deprived of consti-

tutional rights if modest accommodations are not granted to them. This amendment, if enacted into law, may not result in formal changes until January 1, 1985, but I surely expect that the military services will take every reasonable measure in their power to grant full religious freedom, to the extent feasible, even while the matter is under study.

I have been told that there are only a handful of orthodox Jewish servicemen whose religious beliefs require them to wear skullcaps. I believe the military services should, in this interim period, permit them to do so, especially to individuals who are in circumstances similar to Captain Goldman.

Although the proposed bill contemplates a study of the entire subject of religious freedom and its effect on military discipline and uniformity of appearance, it is my expectation, based on discussions with the highest officers of the services, that the study will result in regulation changes that will accommodate religious beliefs to the maximum extent feasible consistent with requirements for military discipline. I will be severely disappointed in the representations of top military officers who have discussed the matter with me if the result of this study is simply a documented defense of the status quo or the study becomes a measure to justify denying religious rights and liberties.

Mr. President, this amendment arises out of the concerns which I have as chairman of the Constitution Subcommittee, concerns which are shared by a number of our colleagues, concerning religious freedom in the military. As you aware, the House has adopted an amendment that would require the military to allow the wearing of unobtrusive headgear by members of the Armed Forces on a 1-year trial basis.

Mr. President, I have been meeting off and on over the last couple of weeks with the leaders of our military attempting to resolve this issue of religious freedom involving the tenets of sincere people.

We have agreed to present the following amendment which will establish a Secretary of Defense joint services study group to study, and recommend possible changes in military dress and appearance regulations to accommodate religious requirements of members of the armed services.

That group will meet, take testimony, hold hearings, obtain information from concerned people, and then, of course, will make their recommendations concerning any changes in military regulations which may be necessary and appropriate to reasonably accommodate the interest of members of the armed services in abiding by their religious tenets, and the interests of the military services in maintaining discipline and uniformity of appearance.

The whole amendment is important. But the most significant provision of the amendment is where it provides that the service secretaries, after receiving this information, shall issue changes—I will emphasize "shall"—as appropriate, in military regulations pursuant to these recommendations to become effective no later than January 1, 1985.

Mr. TOWER. Mr. President, I would like to commend Senator HATCH for his leadership on issues related to protecting religious freedom. As chairman of the Constitution Subcommittee he has built a fine record as a statesman dedicated to protecting constitutional rights.

I would now like to express my appreciation to Senator HATCH for his willingness to work with the services and the committee in drafting a flexible and reasonable amendment, designed to address the interests of members of the armed forces in abiding by their religious beliefs within the context of the interest of the military services in maintaining discipline and uniformity of appearance.

Finally, I would like to offer Senator HATCH my assurance that this matter will be not lost in the shuffle of the conference. I will make a good-faith effort to ensure that Senator HATCH's concerns are addressed in the conference report, preferably through the adoption of the Senator's amendment.

● Mr. D'AMATO. Mr. President, I rise today in support of the amendment offered by the distinguished junior Senator from Utah. This amendment is the counterpart of the amendment offered in the House by Representative STEPHEN J. SOLARZ to correct an injustice created by a recent U.S. court of appeals decision in the case of Goldman against Secretary of Defense.

This decision upheld a U.S. Air Force regulation which prohibits the wearing of yarmulkes, among other items of religious clothing. A yarmulke is a skullcap worn by men of the Orthodox Jewish faith. Under most conditions, it is unobtrusive and will not interfere with the service member's performance of his duty. When it does interfere, as when wear of a pilot's helmet or some other mission essential head covering is necessary, it can be removed.

While courts have limited the constitutional rights of members of the Armed Forces, ruling that military necessity circumscribes the protections afforded them as civilians, I see no reason why first amendment religious freedom should be abridged in this arbitrary and unnecessary manner.

I do not support changes which would undermine good order and discipline. I do not believe that garish or bizarre wearing apparel should be tolerated in the military service, because it would clearly undermine the ability to create and maintain a cohesive and effective fighting force.

Frankly, I would have preferred passage of the Solarz amendment, because it overrules dress regulations in all services for 1 year to permit the wearing of unobtrusive religious headgear. The leaders of our armed services were opposed to an remain opposed to the Solarz amendment, precisely because it overrules their regulations and, in their view, opens the door to the wearing of religious items which would disrupt discipline.

Because this is a pressing issue of importance to members of the Orthodox Jewish community who belong to our armed services, I decided that it is more important to place both Houses of Congress on record in support of religious freedom than it is to insist upon the stronger version of this measure on the floor of the Senate.

I call upon the distinguished chairman of the Armed Services Committee to take action in conference on this provision, accepting the direction of the Solarz amendment and retaining the requirement to gather evidence on this matter, so that well-crafted regulations may be issued by the services. In this way, those members of the Orthodox Jewish faith who are now members of the armed services may not be deprived of their religious freedom, but we may also reinforce the principle that the leaders of our armed services are the people who have the authority, the responsibility, and the experience to establish the rules which govern the conduct of service members.

I congratulate the distinguished junior Senator from Utah for his strenuous, intense, and effective work with the services to craft this amendment. I believe it is the most specific measure we could expect to pass the Senate. Given the negative reaction of the armed services to the Solarz amendment, his achievement is all the more impressive.●

Mr. HATCH. Mr. President, I move the amendment. It is my understanding that both sides have agreed to it.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We accept the amendment on this side.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I think this is a satisfactory resolution of a very difficult issue. I know the Senator from Utah has worked on it for some time. This is going to be a study, as I understand it—Senator, correct me if I am wrong—that would balance the religious freedom aspects with the military discipline aspects and consider both. The study will be done by the people who are representing the serv-

ices, who are cognizant of the importance of the individual freedom issue, but are also cognizant of the importance of uniformity and discipline in the military services. So we are really asking for a study now of this very sensitive issue.

Mr. HATCH. It is more than a study. It is a study with recommendations which will have to be reviewed by the service secretaries. Changes will have to be issued as appropriate to change the military regulations pursuant to those recommendations that will become effective on January 1, 1985. It is my fond hope that we can resolve all of these sensitive problems, and the military has asked me to give them this period of time in order to resolve them. It is also my understanding that the respective Members who represent the Senate in conference will carry the amendment through the conference.

Mr. NUNN. I say to the Senator that I understand the language says regulations will be issued after the study is made as appropriate. That is correct?

Mr. HATCH. That is correct.

Mr. NUNN. So the regulations that will be issued will depend on the findings of the study.

Mr. HATCH. That is correct.

Mr. SYMMS. Mr. President, this would mean the Chief of Staff of the Army, Secretary of the Army, or Secretary of Defense would in fact have the authority to issue such regulations?

Mr. HATCH. They certainly would be part of it. Yes.

Mr. SYMMS. In other words, we are not saying we are passing anything over here that Congress in any way is trying to set the pattern for the uniform.

Mr. HATCH. That is correct, except that there is a good-faith representation by the Members representing the services that they will try to resolve this issue along with other issues concerning religious freedom.

Mr. NUNN. I completely agree with the Senator on that point, that the services certainly ought to consider that. I think to the extent there may be any omissions now the study will help reflect on that. But also I know the Senator would agree that the purpose of our military services is to protect the Nation. For that purpose, discipline in the services and a certain degree of uniformity are also necessary. So the Senator's amendment directs them to study both of those interests.

Mr. HATCH. That is correct.

Mr. NUNN. And to approach it from the point of view of considering not one or the other, but both of those important considerations.

Mr. HATCH. They have to take both into consideration. It is my understanding that secretaries of the armed services are anxious to resolve this problem. They do need more time to do it than just the instant time that we have right now. I am willing to provide that time. I want changes made. I think we have made some suggestions on how to do it while conforming with the necessary uniformity of appearance and uniformity of discipline in the military services. The services are intrigued by some of the suggestions we have made. I believe they will resolve this problem. We mentioned the unobtrusive headgear problem. But it is more than that. It involves religious tenets in general. I am just hopeful that we can come up with regulations that will resolve these in the most reasonable way but with the maximum degree of recognition of those tenets.

Mr. SYMMS. In other words, this is in no way micromanagement of what the uniform codes will be and dress codes will be in the military as opposed to what happened in the other body?

Mr. HATCH. The Senator is correct. This is a recommendation of the military that resolves issues that I think have to be resolved or we shall be right back here next year without resolving them. I think they will. I believe in the good-faith representations they made to me that they will resolve these problems. I want to give them the opportunity to do so without making the amendment so rigid that they must do it in a particular way without the appropriate hearings and consideration.

Mr. SYMMS. Mr. President, this amendment would have nothing to do with the other subject of some sort of religious problems that certain members of the armed services may have with respect to where they chose to go for overseas deployment?

Mr. HATCH. This has nothing to do with that, Mr. President, to my knowledge. This does deal with religious tenets across the board, but we are particularly concerned about unobtrusive headgear and other similar types of considerations.

In all of these religious areas, we want the military to balance their need for uniformity of apparel and uniformity of discipline with the need of the religious community in this country. In other words, the study provided for in this amendment specifically says that this Joint Service Study Group will conduct a study "concerning the dress and appearance standards for members of the armed services." That is the area we are interested in in this amendment. I believe in good faith of the services, I think we ought to resolve these problems, I believe there are some ways of resolving them that will be in conformity with uniform dress and appearance standards and discipline in the military and we are going to give them time to do it.

Mr. SYMMS. I thank the Senator.

Mr. TOWER. Mr. President, I commend Senator HATCH for his leadership on issues related to protecting religious freedom. As chairman of the Constitution Subcommittee he has built a fine record as a statesman dedicated to protecting constitutional rights.

I wish also to express my appreciation to Senator HATCH for his willingness to work with the services and the committee in drafting a flexible and reasonable amendment, designed to address the interests of members of the Armed Forces in abiding by their religious beliefs within the context of the interest of the military services in maintaining discipline and uniformity of appearance.

Finally, I offer Senator HATCH my assurance that this matter will not be lost in the shuffle of the conference. I will make a good-faith effort to ensure that Senator HATCH's concerns are addressed in the conference report, preferably through the adoption of the Senator's amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HATCH. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment No. 3224 was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Idaho for his interest, and I thank the distinguished Senator from Georgia [Mr. Nunn] the ranking member of the committee, as well as my good friend, the distinguished majority manager of the bill [Mr. TOWER] and the acting majority manager [Mr. WARNER] for their kind cooperation and courteous accommodation of me in this matter.

I thank the members of the military for their accommodations as well.

Mr. WARNER. Mr. President, unless there are further matters that my distinguished colleagues from Georgia wishes to address, I suggest that absence of a quorum until the leadership can come to the Chamber.

Mr. NUNN. Mr. President, I know of no further business on this measure we can dispose of today.

Mr. WARNER. Mr. President, I note the presence of the distinguished minority leader. At this time, the leadership on this side of the aisle has not yet arrived. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask my good friend from West Virginia if there would be any objection if the Senate went into executive session for the purpose of considering the nominations of the President of the United States that begin on page 5 of the Executive Calendar, commencing with new reports and through page 7—I understand one of those items has already been confirmed, No. 653; that will not be included again—through the nominations on the Secretary's desk on page 8. Does that meet with the approval of my good friend?

Mr. BYRD. Mr. President, the nominees that have been referred to by the distinguished assistant Republican leader are cleared on this side of the aisle if he wishes to proceed in any way, en bloc or otherwise.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate go into executive session for the purpose I mentioned.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I now ask unanimous consent that the nominees I have mentioned beginning on page 5 with new reports and on pages 6, 7, and 8, with the exception of the nominee already having been confirmed, be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations confirmed en bloc are as follows:

THE JUDICIARY

Robert M. Hill, of Texas, to be U.S. circuit judge for the Fifth Circuit.

Rudi M. Brewster, of California, to be U.S. district judge for the southern district of California.

James M. Ideman, of California, to be U.S. district judge for the central district of California.

William J. Rea, of California, to be U.S. district judge for the central district of California.

Peter K. Leisure, of New York, to be U.S. district judge for the southern district of New York.

DEPARTMENT OF JUSTICE

Layn R. Phillips, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years.

John D. Tinder, of Indiana, to be U.S. attorney for the southern district of Indiana for a term of 4 years.

Joseph Wentling Brown, of Nevada, to be a member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1986. (Reappointment.)

DEPARTMENT OF LABOR

Frank C. Casillas, of Illinois, to be an Assistant Secretary of Labor.

FEDERAL COUNCIL ON THE AGING

Albert Lee Smith, Jr., of Alabama, to be a member of the Federal Council on the Aging for a term expiring December 19, 1985.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The following-named persons to be members of the Board of Trustees of the Harry S. Truman Scholarship Foundation for terms expiring December 10, 1989:

Anita M. Miller, of California. (Reappointment.)

Elmer B. Staats, of the District of Columbia.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Herbert W. Davis, Jr., and ending John C. Crawford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 4, 1984.

National Oceanic and Atmospheric Administration nominations beginning Michael H. Fleming and ending Stephen M. Brezinski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 24, 1984.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask unanimous consent there be a period for the transaction of routine morning business during which the Senator from West Virginia may speak therein as long as he desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M., MONDAY, JUNE 18, 1984

Mr. STEVENS. Mr. President, at the conclusion of the remarks of the Senator from West Virginia, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the very distinguished assistant Republican leader for his thoughtfullness, and I also thank the very distinguished majority leader for his consideration in this matter from time to time.

I apologize to the officers of the Senate and others who will have to bear with me during my remarks.

Mr. STEVENS. Would my good friend, Mr. President, permit me to interrupt. I ask unanimous consent that this dialog not interrupt the Senator's statement, but I would like to ask unanimous consent that the majority leader's announcement of the business for Monday appear at the conclusion of the remarks of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, at any time any other Senator wishes to come to the floor and speak during the morning business period prior to the conclusion of my remarks, I will gladly yield the floor for that purpose.

THE UNITED STATES SENATE

THE SENATE AND THE GREAT DEPRESSION

Mr. BYRD. Mr. President, this is the 68th in the series of statement I have been making with regard to the United States Senate. The statement today is entitled "The Senate And The Great Depression."

I have some very clear recollections of the Great Depression myself. I was born in 1917, and therefore was in my teens when the Great Depression was felt around this country and throughout the world. My recollections are quite vivid, and it is somewhat within that context of recollections that I proceed today to speak on this subject.

Many tense debates have occurred in this chamber, many moments of history enmeshed with anxiety; but I cannot imagine a more fearful night than Friday, June 17, 1932. The Senate was debating the "Bonus Bill," passed by the House just two days earlier. This bill was designed to advance the bonus promised to World War I veterans from its scheduled payment in 1945 to immediate payment in 1932. Thousands of veterans had marched on Washington, many riding the rails on freight cars, to demonstrate their poverty and their fear that payment in 1945 would be too late to save them. As Senator Joe Robinson, the Democratic floor leader, said, "It was a debt, Mr. President; it was not a bonus. It is not due in 1945. It was due on the day the armistice was signed." There was no drama over the outcome of the vote. It was a foregone conclusion, inside the chamber, that the "Bonus Bill" would be defeated by a wide margin. The drama was not inside the Capitol, but immediately outside it on

the Eastern Plaza. As the Senate debate began that morning, Bonus Marchers appeared on the Plaza, first in small numbers, then in hundreds, and by that evening some 12,000 men were congregated outside, silently waiting the outcome. Inside, Capitol policemen with rifles were posted at the doors. One wonders what went through the minds of the senators as they looked out the windows at that vast crowd. This was 52 years ago tomorrow. Near 9:00 p.m. the Senate voted down the Bonus Bill, 62 to 18, and then adjourned. Walter W. Walters, one of the leaders of the "Bonus Expeditionary Force," came out and announced the vote. Walters called it a "temporary setback" and promised to continue the fight, and the crowd roared its approval. Then the 12,000 veterans stood facing the Capitol and sang "America," before departing in the night back to their camps.[1]

Although that tense night ended peacefully, we know that the Bonus March itself came to a violent end a month later. Most of the veterans left the city after Senate rejection of their bill, but others lingered on in camps on the Anacostia Flats, within sight of the Capitol dome. At the end of July a skirmish broke out between a small group of demonstrators and District of Columbia police, in which two men were killed and several more wounded. The District commissioners asked for Federal troops to handle the crowd.

I recommend to Senators and others the book titled "The Glory and the Dream," which is a narrative history of America 1932 to 1972, written by William Manchester. Mr. Manchester states that:

General Douglas MacArthur was the only four-star general in the country at that time. There were no three-star generals. As Chief of Staff, he—

General MacArthur—

received $10,400 a year, a home at Fort Myer and the exclusive use of the Army's only limousine.

Mr. President, I am sure that Senator Proxmire will read this with great interest, and perhaps he has already read it, but the situation at that time would have certainly conformed to his strong viewpoints and feelings, for which I respect him.

To his aide—

Speaking about General MacArthur's aide—

he seemed to occupy a distant pinnacle.

Who was his aide? Major Dwight Eisenhower.

Major Eisenhower's annual salary was $3,000. Because he doubled as the military's congressional lobbyist, he frequently went up to Capitol Hill. But his employer never loaned him the limousine. Nor was the major given taxi fare; in all of official Washington, there was no such thing as a petty cash fund. Instead, as he liked to recall in later life, Eisenhower would walk down the hall and fill out a form, in exchange for which he received two streetcar tokens. Then he would stand outside on Pennsylvania Avenue and wait for a Mt. Pleasant trolley car.

As one who came to Washington to serve in Congress at a time when there were still streetcars operating in the city daily, I can sense Major Eisenhower's feelings and also have a sense for his experiences, which would include, naturally, difficulty in getting to Capitol Hill at times in those days.

Attorney General Mitchell had already ordered the evacuation of all veterans from government property.

Herbert Hoover, of course, was President and Commander in Chief.

Hoover learned at lunch of a shooting which had occurred, and the President told Secretary of War Patrick J. Hurley to use troops to clear out the veterans, the bonus marchers, and Hurley passed the word on to the chief of staff.

The chief wasn't in uniform. His aide didn't think he should be. "This is political, political," Eisenhower said again and again, arguing that it was highly inappropriate for a general to become involved in a street-corner brawl. The general disagreed. "MacArthur has decided to go into active command in the field," MacArthur declared. "There is incipient revolution in the air." So the soldiers, who were arriving from Fort Myer, milled around on the Ellipse, watched by Hoover from his oval office while an orderly dashed across the river to fetch the chief's tunic, service stripes, sharpshooter medal, and English whipcord breeches. The general also ordered Eisenhower into uniform. "We're going to break the back of the BEF," he said, and led his staff to the limousine. At Sixth and Pennsylvania (which later became the site of Washington's largest cut-rate liquor store) the car pulled over and began still another wait. "What's holding us up?" someone asked. "The tanks," MacArthur replied. He was going to use tanks. Everyone sat back and sweated—everyone, that is, except MacArthur. This is the first recorded instance of the general's remarkable inability to perspire. He remained cool, poised, and starched. It gave him an immense psychological advantage, and there were those who bitterly resented it.

Meanwhile the White House was issuing communiqués. President Hoover announced that the troops would "put an end to rioting and defiance of civil authority." A few minutes later the White House revealed that the men who had clashed with the police were "entirely of the Communist element." Reporters, finding MacArthur in his car, asked him what he was going to do. "Watch me," he replied. "Just watch me." Instead they were watching the astonishing display of force which was arriving, at last, down Pennsylvania Avenue. Troopers of the 3rd Cavalry, led by Major Patton, pranced along brandishing naked sabers. Behind the horses marched a machine gun detachment and men from the 12th Infantry, the 13th Engineers, and the 34th Infantry, the sun glinting on their bayonets. Behind these units rolled the six tanks, the caterpillar treads methodically chewing up the soft asphalt. It was now 4:45 p.m. The operation had become the worst-times in MacArthur's career. Fifteen minutes earlier, the District's civil service workers had begun pouring into the streets, their day's work done; twenty thousand of them were massed on the sidewalks across from the bewildered, disorganized veterans. Someone was going to get hurt if the cavalry commander didn't watch out, and Major Patton was not celebrated for his solicitude toward civilians.

The veterans, assuming that this display was a dress parade for their benefit, applauded. The spectators clapped, too, though they were the first to be disillusioned. Abuptly Patton's troopers wheeled and charged into the crowd. "At first," wrote J. F. Essary, veteran Washington bureau chief of the *Baltimore Sun*, "it seemed that this attack upon the civilian observers was merely the act of a few of the armed horsemen. But later it appeared that it was a part of a concerted movement by the cavalry officers." Essary reported that the troopers charged "without the slightest warning" into "thousands of unoffending people"; that men and women were "ridden down indiscriminately"; and that one man who refused to move from the front of a telegraph office was beaten back into the doorway by two cavalrymen who flailed him with the flat side of their blades. Among those trampled was Senator Hiram Bingham of Connecticut—Panama hat, Palm Beach suit, and all.

"Clear out!" the mounted men yelled, and the spectators shouted back, "Shame! Shame!" The veterans, meanwhile, had hurriedly formed a solid line across the street. Their leaders were waving flags at rallying points, and it was these colors which became the troopers' second objective. Reforming in extended order, they bounded across Pennsylvania Avenue, converging on the faded standards. The vets were stunned, then furious. Some dared the soldiers to dismount and fight. By now all the bonus marchers were hooting and booing. One soldier in his late teens wrested a banner from the hands of a former AEF sergeant. "You crummy old bum!" the boy spat. A man near MacArthur called out, "The American flag means nothing to me after this." The general snapped, "Put that man under arrest if he opens his mouth again."

The General's troops used tear gas.

The only participants with real protection would be the general's troops, who were now donning masks. Policemen tied handkerchiefs over their faces, storekeepers who had been warned slammed their doors and transoms, and those veterans who saw the masks spread the alarm, for they knew what was coming.

Driven by sabers, bayonets, and a rising wind—which blew the vile gas southward—the stricken BEF retreated toward the Anacostia River. The infantry came running on the heels of the horsemen, pulling the blue tear gas bombs from their belts and throwing them ahead. Suddenly the air was sharply tainted; the spectators broke and fled. A sickly-sweet haze hung over Pennsylvania Avenue, and beneath it the BEF women, blinded and choking, stumbled from the occupied buildings clutching pots, pans, and children. "It was like a scene out of the 1918 no-man's land," reported the Associated Press. It wasn't quite. Washington was the capital of a nation at peace. The uneven struggle was being waged in the very shadow of Congress. Most of those present were noncombatants, and some were professionally neutral, though armed authority regarded newspapermen with suspicion. One

[1] Footnotes at end of article.

reporter darted into a phone booth outside a filling station to call his office; a soldier tossed a bomb inside and drove him out.

Resistance vanished. Driven by sabers, bayonets, and a rising wind—which blew the vile gas southward—the stricken BEF retreated toward the Anacostia River. It was clumsy withdrawal. The women were carrying infants and their husbands shabby suitcases, and the retirement was harried by the puffs of fresh gas bombs. Gallinger Hospital was beginning to fill up with casualties. The evening noises were frightening: ambulance sirens, fire engines, galloping horses, tramping soldiers, newsboys hawking extras, and the clanking of the tanks, whose role was, and would continue to be, quite vague; "so far as I can recall," Eisenhower wrote toward the end of his life, "they took no part whatever in the movements to evacuate the veterans," although there was plenty of time for them, because the retirement "proceeded slowly." Nevertheless, by 9 p.m. the refugees had crossed the Eleventh Street Bridge and joined the main BEF camp on the far shore. MacArthur's force had cleared out other camps on C Street, on Maryland and Maine Avenues, along the wharves, and near the Congressional Library. Stacking arms near a gas works at about eight o'clock, the troops messed at a field kitchen while their leader contemplated his next move.

To him the decision was obvious. His mission was the destruction of the BEF. There was no substitute for victory. His job wouldn't be complete until he had crossed the river invaded the vet's sanctuary, and leveled their headquarters.

Commander in Chief Hoover had his own ideas about how his army should be used, and they stopped at the water's edge. To make certain his instructions reached the general, he sent duplicate orders through General Moseley and Colonel Clement B. Wright, secretary of the General Staff. According to Eisenhower, the President "forbade any troops to cross the bridge into the largest encampment of the veterans, on open ground beyond the bridge." That was clear enough, and another general would have submitted instantly. Not MacArthur. He was choleric at this civilian meddling. He told the astonished Moseley that his plans had to go forward; he would not brook interference. To Eisenhower the chief of staff declared emphatically that he was "too busy and did not want either himself or his staff bothered by people coming down and pretending to bring orders." For the first but not the last time, the general decided to disobey a President.

Mounting heavy machine guns on the bridge to meet any counterattack, MacArthur led a column of infantry across, with Major Eisenhower at his side. The Anacostia camp was a jumble of packing crates, fruit crates, chicken coops, burlap-and-tarpaper shacks, tents, lean-tos, wrecked touring cars, and dun-colored, tepee-like shelters. It didn't seem possible that anyone could have become attached to so preposterous an array of junk, but it was the only home the BEF families had. They were huddled here in the dark, praying for deliverance. What they got was another fusillade of tear gas bombs. Some fled screaming, some hid; one large group of about five hundred gathered on the edge of the camp and mocked the troops with the chant, "Yellow! Yellow! Yellow!" Veterans who had planted vegetable gardens pleaded with the infantrymen to spare their crops. The green rows were trampled anyhow. At 10:14, the Associated Press reported, soldiers put the torch to the hodgepodge of buildings. Flames leaped fifty feet in the air and spread to a nearby woods; six companies of firemen had to be summoned. From his White House window the President saw the glow in the eastern sky and demanded to know what had happened. To Eisenhower "the whole scene was pitiful. The veterans, whether or not they were mistaken in marching on Washington, were ragged, ill-fed, and felt themselves badly abused. To suddenly see the whole encampment going up in flames just added to the pity one had to feel for them."

The major's compassion wasn't universal. Seven-year-old Eugene King, a vet's son, tried to rescue his pet rabbit from the family tent.

I do not like to use profanity, but I will read the sentence:

"Get out of here, you little son-of-a-bitch," said an infantryman, and before the boy could move, the soldier ran a bayonet through his leg. Again ambulances raced the two miles from Gallinger Hospital. There were over a hundred casualties. Two babies were dead of gas, and the angry editor of the BEF newspaper suggested the epitaph for one: "Here lies Bernard Myers, aged three months, gassed to death by order of President Hoover."

That was unfair because it was not by order of President Hoover that these people be wounded and so mistreated or killed.

* * * but the veterans were bitter. They had seen soldiers pouring gasoline on their huts while well-to-do Washingtonians in yachts cruised close to look at the show. And at 11:15 p.m. they had watched Major George S. Patton, Jr.,

For whom I have tremendous admiration and have had over the years.

* * * lead his cavalrymen in a final destructive charge. Among the ragged bonus marchers routed by their sabers was Joseph T. Angelino, who, on September 26, 1918, had won the Distinguished Service Cross in the Argonne Forest for saving the life of a young officer named George S. Patton Jr.

President Hoover, locked in the White House, did not countermand the violation of his orders, and received public blame for the Army's overreaction against its own veterans. The president's humanitarian reputation lay in ruins along with the burning camps on the Anacostia.[2]

Incidentally, President Hoover had created a stir by becoming the first Chief Executive to have a telephone on his desk, and he also employed five secretaries. No previous President had required more than one. And he summoned them by an elaborate buzzer system.

The Bonus March brought home to Washington the terrible suffering that the Depression had inflicted upon the United States, the desperation of the people, and the revolutionary potential behind the social unrest. Although we have recently been through the worst economic recession since the 1930's, it is almost impossible today—except for those of us who lived through and experienced it—to comprehend the severity of the Great Depression. When the Penn Square Bank of Oklahoma failed two years ago in 1982, the Federal Deposit Insurance Corporation protected and insured the funds of its depositors. When the Bank of the United States, located on New York's Lower East Side, failed in 1930, its depositors, mostly immigrants and the working poor, lost their entire savings.

To recount a bit of personal experience, as a boy I sold the Cincinnati Post, and I saved $7. I put that $7 in the bank of Matoaka, West Virginia. The bank went under and I have not seen my $7 since.

Thousands of men, women, and children lined up at the bank's doors through the night in a vain hope of getting their money back. One man, a janitor who had lost forty years of savings, went home and hanged himself.

I can remember the newspapers in those days. As I said, I delivered the Cincinnati Post. Daily or weekly there were stories of businessmen, bankers and others, who took their lives by jumping out of windows or holding cocked pistols to their temples and blowing out their brains.

Many other banks failed; businesses laid off workers, or closed their doors altogether; mortgages were foreclosed. People who a few years earlier had been prosperous found themselves out-of-work, homeless, and hungry. As Professor Arthur Schlesinger, Jr. has vividly described it:

With no money left for rent, unemployed men and their entire families began to build shacks where they could find unoccupied land. Along the railroad embankment, beside the garbage incinerator, in the city dumps, there appeared towns of tarpaper and tin, old packing boxes and old car bodies. Some shanties were neat and scrubbed; cleanliness at least was free; but others were squalid beyond belief, with the smell of decay and surrender. Symbols of the New Era, these communities received their sardonic name: they were called Hoovervilles. * * * At the breadlines and soup kitchens, hours of waiting would produce a bowl of mush, often without milk or sugar, and a tin cup of coffee. The vapors from the huge steam cookers mingling with the stench of wet clothes and sweating bodies made the air foul. But waiting in the soup kitchen was better than scavenging in the dump.[3]

Between March 1930 and March 1931 unemployment doubled from four to eight million, grossly overburdening local and state relief agencies. The private sector simply could not handle the immensity of the human tragedy. Americans turned to Washington for help. The federal government was the people's last resort, the only institution capable of tackling the crisis. But the president and the Congress were divided and unsure of what to do, fearful of making mistakes that would worsen the situation,

locked into old ideologies, and hesitant to adopt bold experimentation.

Let us go back to the beginning of the Depression to understand how all this developed and to follow the changing response of the United States Senate to these events. The 71st Congress, elected with Herbert Hoover in 1928, was preponderantly Republican, with 56 Republicans to 39 Democrats and 1 independent in the Senate; 267 Republicans to 167 Democrats and 1 independent in the House. President Hoover, however, could not count on the complete support of his party in Congress. Before he ran for the presidency, Hoover had never held elective office. He had not much sympathy and respect for politicians, and they had little for him. When Hoover ran for the Republican nomination in 1928, his chief opponent, as he noted in his memoirs was "most of the United States Senate." The Republican Old Guard did not trust him. They considered him too progressive, too independent, too aloof. They called him "Sir Herbert" because of his many years of residence in London. They took potshots at him in the CONGRESSIONAL RECORD; they investigated his preconvention expenditures; they ran "favorite son" candidates against him in the primaries. When he won the nomination and the election, they were stuck with him.[4]

I well remember those days, Mr. President, the days of the 2-cent stamp, the penny postcard. I once lived on a little hillside farm up a hollow more than 3 miles from what we called the "hard road." I walked those 3 miles out of that hollow to catch the school bus, ride to Spanishburg, West Virginia, a distance of 4 miles; in the afternoon, I would ride the 4 miles back on the bus and then walk the 3 miles back up the hollow—the screech owls were screeching and the hoot owls were hooting. That was really "forced busing". We did not have any other high school or junior high school nearer. So that one was for me 7 miles away, 4 miles of which I traveled on the bus and 3 miles of which I traveled on "shank's mare," as we called it; that is, walking.

I used to take a jar of sweet milk to school and a piece of cornbread; I never heard of a refrigerator in those days. My refrigerator was the old springhouse where my foster mother kept a little bit of butter and milk. We had one old cow and one horse named George and one old hound, with which I used to go out in the night with a bottle filled with kerosene and a rag in the top of it to give me a light. We would go out and sit on a rock and look at the moon or the dog would chase a rabbit into one of the rabbit gums which I had built.

The next morning I would go out to the rabbit gum and find a rabbit with its leg broken. I would get it out and shed tears at such cruelty. But I took the rabbit down to Fred Jennings' store on the hard road 3 miles down the creek and got 15 cents for it, which was a lot of money in those days when we could only have maybe one Coca-Cola a year and a little ice cream on the Fourth of July, and that was homemade. The days of the Great Depression—they were a bitter school of hard knocks.

President Hoover described Congress as "that beer garden up there on the Hill," and referred disparagingly to the intelligence of its Members. Sometimes we may think that the situation is pretty bad these days, in the light of the excoriations which Congress gets from time to time from Mr. Reagan, but we can see that President Hoover might have been worse. He talked about this very unhappy relationship with his own party's congressional leadership. "Is it my fault," he asked, "if Jim Watson [the Republican Senate majority leader] * * * prefers to play his own politics against me?"

Incidentally, President Reagan does not know how lucky he is to have HOWARD BAKER for his majority leader, a man who is thoroughly dedicated and extremely skillful and well liked by others, even those on this side of the aisle.

Found too progressive by conservative Republicans, Hoover was regarded as too conservative by such progressive Republicans as George Norris and Robert La Follette, Jr. Only a small group of moderate Republicans, led by Michigan Senator Arthur Vanderberg, rallied to Hoover's support with any consistency. Thus, as Hoover's biographer, David Burner, has noted, he exerted only "slight leadership" over the 71st Congress, which was slow to act on his suggestions. Hoover was also reluctant to take on the mantle of Teddy Roosevelt and Woodrow Wilson and "blast" reforms out of Congress. "I had little taste for forcing congressional action or engaging in battles of criticism," Hoover candidly admitted in his memoirs.[5]

In April 1929, President Hoover called Congress into special session to deal with his two major campaign pledges: farm relief and tariff revision. In a previous address I discussed how the tariff tinkering went beyond Hoover's limited goals and produced the Smoot-Hawley Tariff, the highest in the Nation's history, which further contributed to the building of international trade restrictions. Here, however, I should like to mention the farm bill, which was the first indication of Hoover's legislative leanings.

Within the Senate Agriculture Committee, Farm Bloc senators strongly favored a debenture plan for dealing with farm surpluses. This was a complex plan under which agricultural exporters would receive treasury certificates representing the differences in cost of production between the United States and other nations. This plan did not call for federal buying and storing of farm products, as the McNary-Haugen bills had advocated; but tried to subsidize the shipment of surpluses overseas. Despite President Hoover's opposition, the Republican Senate passed the debenture plan, but it died in conference with the House. President Hoover, who had long been dubious about the potential of overseas sales of American surpluses, instead supported the Agricultural Marketing Act of 1929, which established an eight-member Federal Farm Board to promote agricultural cooperatives to market farm commodities at home, and to further crop diversification, and attempt to stabilize farm prices. This was an improvement over previous conditions, but a modest one at best. Farm Bloc senators like George Norris were especially disappointed over Hoover's appointments to the Farm Board. "These men have grown, and grown fat, have become millionaires, all from the money they have received from the farmers of America," Norris scoffed, while the farmers "have been going down and down and down" through bankruptcy and mortgage foreclosures.[6]

Hoover had won on farm matters, suffered a setback on tariff revision, and was terribly embarrassed by the Senate's rejection in 1930 of his nominee to the Supreme Court, John J. Parker. Judge Parker of North Carolina was strongly opposed by labor leaders and black leaders. Parker was accused of having made speeches against blacks while a candidate for office, and of having handed down anti-black decisions as a judge. He was also accused of favoring anti-labor injunctions while serving on the bench. In the face of a lobbying campaign against Parker, President Hoover noted, "a number of our Republican senators ran like white mice." On May 7, 1930, the Senate rejected Parker's nomination by a vote of 41 to 39. "This failure of my party to support me," Hoover later commented, "greatly lowered the prestige of my administration."[7]

Senatorial courtesy also confounded President Hoover. He discovered that the Senate's tradition of deferring to individual senators' opposition to nominees from their home states gave them considerable influence in the selection of those nominees. Hoover found such political involvement in judicial appointments intolerable, particularly when Republican Senators William Vare of Pennsylvania and Thomas Schall of Minnesota recommended men who were "wholly unfitted for the bench." When Hoover refused to nominate their candidates and offered alternative selections, Vare and Schall blocked his appoint-

ees, leaving lengthy vacancies in the federal courts. Hoover and his attorney general finally devised a plan for reducing such confrontations. Whenever a vacancy seemed imminent, the Justice Department would poll local officials for a list of potential candidates. The president would then submit to the senators from that state a list of candidates whom he could approve, allowing the senators to take credit for the final selection. It was clear, however, that Herbert Hoover found such political maneuvering extremely distasteful if unavoidable.[8]

The major event of the 71st Congress was not Judge Parker's rejection, the Agricultural Marketing Act, or even the Smoot-Hawley tariff. That event did not take place in the Senate chamber or even in Washington, D.C. It occurred on Wall Street in New York City when the Great Bull Market of 1929 crashed in panic selling on "Black Thursday," October 24, 1929. Despite the effort of prominent bankers and investment brokers to stem the tide, the price of stocks slipped lower and lower, wiping out investors who had bought on the margin, and depreciating the paper value of all stocks on the New York exchange by some $26 billion, a forty percent decline in value. The crash ruined investors, dried up investment capital, and shattered confidence in the economy. The Nation plunged into its worst depression. Nineteen Twenty-Nine was only the beginning. Nineteen Thirty brought factory shutdowns, job layoffs, bank failures.

Reading again from William Manchester's book, "The Glory and the Dream":

Hoover had considered economy in the White House kitchen, then decided that would be bad for the country's morale. Each evening he entered the dining room wearing black tie—he was the last president who unfailingly dressed for dinner—and addressed himself to seven complete courses. The reporter who had coined the 1928 Republican campaign slogan ("A chicken in every pot and two cars in every garage") was broke and pleading for loans to support his three children, but the chief executive believed that America would despair if its first family lost faith in the return of prosperity.

Usually some of the courses were out of season; so were the cut flowers on the table. A custom-built humidor held long thick cigars handmade in Havana to the President's specifications; he smoked twenty a day. As the Hoovers ate, a remarkable number of men stood around and watched. The butler and footmen—all had to be the same height—stood at attention, absolutely silent, forbidden to move unbidden. In the doorways were duty officers from the company of marines who stood by wearing dress blues to provide ceremonial trappings, and there were buglers in Ruritanian uniforms whose glittering trumpets announced the President's arrival and departure from the nightly feast, even when the only other diner was his wife Lou. Hoover was proud of Lou. She spoke five languages fluently, was president of the Girl Scouts of America, and set what was conceded to be the finest table in White House history. Sometimes she wondered whether the President really appreciated the food. He wolfed it down with such incredible speed.

Junky shantytowns of tin, cardboard and burlap were Hoovervilles—Manhattan had two big ones, below Riverside Drive and near the obeisk in Central Park. The unemployed (an adjective which had become a noun in these years) carried sacks of frayed belongings called "Hoover bags." In North Carolina the rural poor sawed the fronts off broken-down flivvers, attached scrawny mules, and called the result "Hoovercarts." (The government tried to change the name to "Depression chariots," but no one bought it.) "Hoover blankets"' were old newspapers which park bench tenants wrapped around themselves for warmth. "Hoover flags" were empty pockets turned inside out. "Hoover hogs" were the jackrabbits hungry farmers caught for food. Vaudeville comedians called out, "What? You say business is better? You mean Hoover died?" or reported that Hoover asked Secretary of the Treasury Mellon for a nickel to telephone a friend and was told, "Here's a dime, phone both of them."

Mr. Hoover was convinced that a balanced budget was "indispensable," an "absolute necessity," "the most essential factor to economic recovery," "the first necessity of the nation," and "the foundation of all public and private financial stability"—all this despite the fact that in 1932 he was running the federal budget four billion dollars into the red. When he became convinced at last that the government must do something, he created the Reconstruction Finance Corporation to prop up sagging banks, and agreed to spend twenty-five million dollars on feed for farm animals on the condition that a bill authorizing $120,000 for hungry people be tabled.

I think to his credit:

Hoover was trying desperately to find solutions. He worked eighteen hours a day, proclaimed a statesmanlike moratorium on war debts, and even cut his own salary. And he was hopeful. In the end, he felt, what he called "rugged individualism" would win.

Riffling through Hoover's papers, one sometimes has the strange feeling that the President looked upon the Depression, as a public relations problem—that he believed the nightmare would go away if only the image of American business could be polished up and set in the right light. Faith was an end in itself; "lack of business confidence" was a cardinal sin. Hoover's first reaction to the slump which followed the Crash had been to treat it as a psychological phenomenon. He himself had chosen the word "Depression" because it sounded less frightening than "panic" or "crisis." In December 1929 he declared that "conditions are fundamentally sound." Three months later he said the worst would be over in sixty days; at the end of May he predicted that the economy would be back to normal in the autumn; in June the market broke sharply, yet he told a delegation which called to plead for a public works project, "Gentlemen, you have come sixty days too late. The Depression is over."

A writer for the Saturday Evening Post asked John Maynard Keynes, the great British economist, whether there had ever been anything like the Depression before. "Yes," he replied. "It was called the Dark Ages, and it lasted four hundred years." This was calamity howling on a cosmic scale, but on at least one point the resemblance seems valid. In each case the people were victims of forces they could not understand.

I have already made reference to the stories in the newspapers which told of the suicides that were taking place daily because the financial world of businessmen and bankers and others was crashing down around their shoulders.

Newspapers of that period are crowded with accounts of men who took their own lives rather than go on relief. Emile Durkheim had created a special category, "altruistic suicides, for men who killed themselves rather than become a burden to the community.

United States Steel and General Motors had dropped to 8 percent of their precrash prices. Overall stocks listed on the big board were worth 11 percent of their 1929 value.

Investors had lost 74 billion dollars, three times the cost of the World War. More than 5,000 American banks had failed and 86,000 businesses had closed their doors. The country's Gross National Product had fallen from 104 billion dollars to 41 billion (in 1973 it would be 2,177 billion). In 1932, 273,000 families were evicted from their homes, and the average weekly wage of those who had jobs was $16.21.

Mr. President, this is not just storytelling, it is real. My first job was that of working in a gas station. They were not service stations in those days; they were gas stations. I had to wait almost a year after I had gotten out of high school before I could get a job, and mine was at the enormous salary of $50 a month, with 2 Sundays off during each month. $50!

When I married, my wife and I were able to get two rooms in which to live and our refrigerator was half an orange crate nailed up outside the kitchen window.

I remember that my foster father worked in the mines, and there were days I did not get to see him because he left before daylight and came home after dark. He might earn $2 or $2.50 a day, depending on how much coal he loaded in those subterranean caverns. I have been inside them. I have heard the timbers cracking on the right, and the timbers cracking on the left. Those miners worked on their knees with kneepads. They did not have hard hats in those days; they wore cloth caps with a carbide lamp on the front of the cap. Mine explosions were not rare, they were common in those days.

U.S. Steel, the key to heavy industry, was operating at 19.1 percent of capacity. The American Locomotive Company didn't need much steel. During the 1920s it had sold an average of 600 locomotives a year; in 1932 it sold one. Nor was the automotive industry the big steel customer it had been. Month by month its fine names were vanishing: the Stutz Motor Company, the Auburn, the Cord, the Edward Peerless, the Pierce Arrow, the Duesenberg, the Franklin, the Durant, the Locomobile. One rash man de-

cided to challenge Ford with another low-priced car. He called it the Rockne, lost 21 million dollars, and killed himself. You learned to pay for a nickel cup of coffee, to ask for another cup of hot water free, and, by mixing the hot water with the ketchup on the counter, to make a kind of tomato soup. In winter you stuffed newspapers under your shirt to ward off the cold; if you knew you would be standing for hours outside an employment office, you wrapped burlap bags around your legs and tied them in place.

I have seen all of this, Mr. President.

Shoes were a special problem. Pasteboard could be used for inner soles, and some favored cotton in the heels to absorb the pounding of the concrete. But if a shoe was really gone, nothing worked. The pavement destroyed the cardboard and then the patch of sock next to it, snow leaked in and accumulated around your toes, and shoe nails stabbed your heels until you learned to walk with a peculiar gait.

Men resharpened and reused old razor blades, rolled their own cigarettes or smoked Wings (ten cents a pack), and used twenty-five-watt light bulbs to save electricity. Children returned pop bottles for two cents . . .

When a cigarette was thrown on the ground, I have seen boys rush to pick it up. They called these "ducks." They smoked those "ducks"—little pieces of cigarettes that had been smoked by someone else. The word "sanitary" did not mean much in those days.

If a man had a dime, he could sleep in a flop house reeking of sweat and Lysol. If he was broke he salvaged some newspapers and headed for Central Park, or the steps of a subway entrance, or the municipal incinerator. Because those figures were poorly kept, the precise extent of poverty is unknown. Somewhere between 15 million and 17 million men were unemployed, with most of them representing a family in want.

I am just recalling that when I was born in 1917, the population of this country was about 100 million to 110 million persons. When I graduated from high school in 1934, the total population was about 130 million. So 15 million to 17 million unemployed, with most unemployed representing a family in want, was massive unemployment.

Fortune, in September 1932, estimated that 34 million men, women, and children were without any income whatever. That was nearly 28 percent of the population, and like all other studies it omitted America's 11 million farm families, who were suffering in a rural gethsemane of their own.

Farmers were getting less than twenty-five cents for a bushel of wheat, seven cents for a bushel of corn, a dime for a bushel of oats, a nickel for a pound of cotton or wool. Sugar was bringing three cents a pound, hogs and beef two and a half cents a pound and apples—provided they were flawless—forty cents for a box of two hundred.

In 1932 hourly rates had shrunk to ten cents in lumbering, seven-and-a-half cents in general contracting, six cents in brick and tile manufacturing, and five cents in sawmills.

By 1932, a third of a million children were out of school because of lack of funds. Teachers in Mississippi, northern Minnesota, Idaho, South Dakota, and Alabama managed to eat only by "boarding around" at the homes of parents.

In Kansas, twenty-five-cent wheat meant rural teachers were being paid $35 a month for an eight-month year—$280 a year. Akron owed its teachers $300,000, Youngstown $500,000, Detroit $800,000, and Chicago's debts to its teachers were more than 20 million dollars.

I remember when teachers in West Virginia sometimes could not get their checks cashed unless they discounted 20 or 25 percent of the check.

The story of the Chicago schools was a great Depression epic. Rather than see 500,000 children remain on the streets, the teachers hitchhiked to work, endured "payless paydays"—by 1932 they had received checks in only five of the last thirteen months—

In the mining counties of Ohio, West Virginia, Illinois, Kentucky, and Pennsylvania, the secretary of the American Friends Service Committee told a congressional committee, the ratio was sometimes over 90 percent, with deprived children afflicted by "drowsiness, lethargy, and sleepiness," and "mental retardation." A teacher suggested that one little girl go home and eat something; the child replied, "I can't. This is my sister's day to eat."

"Nobody is actually starving," President Hoover told reporters. "The hoboes, for example, are better fed than they have ever been, One hobo in New York got ten meals in one day." In September 1932 Fortune flatly called the President a liar and suggested that "twenty-five millions in want" might be a fairer description of the nation's economic health.

In the Pennsylvania countryside they were eating wild weed-roots and dandelions; in Kentucky they chewed violet tops, wild onions, forget-me-nots, wild lettuce, and weeds.

I can remember going out on the hills and picking what we called "poke salad." So, one way or another, we made it through.

In this atmosphere, the election of 1930 saw a substantial repudiation of Hoover and the Republican Congress. The Republicans, who had enjoyed a 100-seat advantage in the House, came out of the election with a mere two-vote margin. Between election day 1930 and December 1931 when the new Congress convened, several Republican members died and were replaced by Democrats. As a result, the Democratic party organized the House for the first time since 1919. John Nance Garner, of Texas, would be Speaker in the 72nd Congress. The Senate, which had seen a 56 to 39 Republican majority in the 71st Congress, now had 48 Republicans, 47 Democrats, and one Farmer-Labor senator (Henrick Shipstead of Minnesota). In point of fact, Hoover had no more than 40 "real Republicans" as he called them. Eight were Progressive Republicans, like Norris and La Follette, who were not inclined to support the president.

President Hoover, showing his political iconoclasm, suggested to Republican leaders that they allow the Democrats to organize the Senate. "I felt that I could deal more constructively with the Democratic leaders if they held full responsibility in both houses, than with an opposition in the Senate conspiring in the cloakrooms to use every proposal of mine for demagoguery." Senate Republican leader James Watson understandably rejected Hoover's advice. "Watson, of course, liked the extra importance of being majority leader," Hoover noted, "and the Republicans liked to hold committee chairmanships and the nicer offices in the Capitol." That statement, I suggest, indicated Hoover's fearsome lack of understanding of how Congress operates, and of the significant differences between a party's operating and shaping policy in the majority versus the minority.[9]

Prospects for a peaceful relationship between the Republican president and the politically divided Congress were not good. Herbert Hoover clung to his belief in limited government and his abhorrence of direct federal relief to the unemployed. Democratic senators and representatives called for a bolder, more dramatic, and perhaps unorthodox approach to the massive human suffering in the Nation. During the "lame duck" session of the 71st Congress, in the winter of 1930-31, Democratic and Progressive Republican senators such as Kenneth McKellar, Smith Brookhart, Thaddeus Caraway, Tom Walsh, and Hugo Black were all proposing federal relief measures. President Hoover accused them of "playing politics at the expense of human misery." When the 71st Congress adjourned on March 3, 1931, some members of the incoming 72nd Congress urged the president to call a special session. Hoover, recalling perhaps the difficulties he had encountered with the Smoot-Hawley tariff after he called the Congress into special session in 1929, had no desire to repeat the experience, especially with a Democratic House. "It is my belief, and the belief of my advisers," Hoover wrote to Representative Clarence Lea, "that an extra session at the present time would create ten times the unemployment that can be cured by any possible legislation enacted." So, unbelieveable as it may seem to us, as the Nation faced one of its gravest crises, the United States Congress remained out of session from March to December 1931.[10]

When the 72nd Congress did convene, on December 7, 1931, the Senate was presented with a host of resolutions from the state governments seeking various forms of relief from the economic distress. The state legislature of Colorado proposed increased silver monetization as a means of restoring flexibility (or inflation) to the monetary system. The Mississippi legislature wanted a one-year moratorium on farmer debts to the govern-

ment. The state legislature of Wisconsin called for federal unemployment insurance. The territorial government of Alaska proposed a grant of 160 acres of land to all war veterans from Alaska, in lieu of a monetary bonus. The National Association of Furniture Manufacturers called for the creation of an industrial board to secure a better balance between production and employment, and so on. Senator McKellar observed that "there is hardly a day that I do not receive letters from constituents of mine saying, 'Oh, Senator, is there not some way by which it can be arranged that my home and my farm on which the government has a mortgage may be saved? Is there not some way in which a foreclosure may be postponed and my home and farm saved?' "[11]

President Hoover, in his State of the Union message, which he delivered in writing rather than in person, continued to put the best face on affairs. The depression was worldwide, he said. Business depressions were transitory, actions by local and private groups were protecting people "from hunger and cold." The president reiterated his absolute opposition to any form of direct or indirect federal aid to unemployment, and his belief that "the largest measure of social responsibility in our country rests upon the individual. If the individual surrenders his own initiative and responsibilities, he is surrendering his own freedom and his own liberty." Yet, having said that, Hoover then proposed dramatic new federal programs to address the problems of the depression and to seize the initiative from Democrats and progressive Republicans in Congress. He proposed a Reconstruction Finance Corporation, modeled after the World War I War Finance Corporation, to make emergency loans and provide credit to banks and industry. He also recommended creation of a Home-Loan Discount Bank, to relieve mortgage pressure on home and farm owners. Hoover favored, but did not spell out a method for achieving, a reform of the banking laws to safeguard deposits. And he urged the reorganization of all federal building and construction activities into a Public Works Administration.[12]

So we can see, Mr. President, that although 30 years afterward we campaigned on an anti-Hoover platform and won elections, he did indeed propose some constructive ideas, moreso than he has been given credit.

Congress gave Hoover what he wanted, and more. In January the Senate and House passed the Reconstruction Finance Act, setting up the RFC with a borrowing capacity of $2 billion. Former Vice President Charles Dawes headed up the new agency. In February, Congress passed the Glass-Steagall Act, which gave the Federal Reserve Board greater authority to expand credit. And in July the Federal Home Loan Bank Act was sent to the president for his signature. But while Hoover won widespread support in Congress for these measures, Democrats and progressive Republicans believed they were too limited, and proposed vast new spending.

However, while hobbled by his own philosophy of life and government, Hoover proposed far greater federal action than had any previous president during a depression. This has led historians to speculate whether Hoover was the last of the old presidents or the first of the new; that is, the last of the laissez-faire or the first of the activist, interventionist presidents. Some historians have gone so far as to portray Herbert Hoover as a "Forgotten Progressive," a reform-minded man who, fearful of the rise of a corporate state, proceeded in a correct, if impolitic, way to restore confidence in the economy.[14]

Reading some of these revisionist historians' accounts of Herbert Hoover caused me to scratch my head and wonder if all those millions of people who voted against Herbert Hoover's reelection in 1932 could have been wrong? Was it possible that Hoover was on the right track after all? My anxieties were quickly dispelled when I read in Hoover's memoirs: "Many persons left their jobs for the more profitable one of selling apples." No, Mr. President, anyone who seriously believed that men and women quit their jobs to stand in tattered clothing on street corners to sell apples simply did not understand the magnitude of the Great Depression. Hoover could not bring himself to recognize that millions of people were honestly and desperately out of work through no fault of their own but because of a massive failing of the national economic system. They sold apples in the street out of desperation, not greed. They lived in tarpaper shacks in public parks because they had nowhere else to go. They foraged for food in garbage cans because they were starving. They sought federal relief because states and cities, churches and private relief agencies were overburdened and helpless. No, the voters were correct in 1932. Herbert Hoover did not see things clearly and the times called for new leadership.[15]

Before moving on to that new leadership, I want to take a few minutes to discuss the Senate's most memorable response to the Depression during the Hoover years, and that was the Banking and Currency Committee's investigation of Wall Street, better known as the Pecora investigation. That investigation originally grew out of President Hoover's suspicion that "bear raiders" were worsening the stock market conditions by "short selling" and other tactics designed to drive stock prices down. The president also imagined that prominent Democrats were behind these bear raids, hoping to undermine his economic recovery plans. Hoover and his conservative supporters in the Senate initially called for the investigation as a means of exposing such tactics and of using the publicity to force the stock exchanges to voluntarily reform their rules and practices. The hearings began in April 1932, but failed to prove the president's suspicions. Democratic financiers were not trying to sabotage the economic system. A few "bear raiders" admitted that they timed their sales to correspond with Hoover's optimistic speeches on the economy. "Sell 'Em" Ben Smith, for one, had discovered that public confidence in the president was so low that whenever Hoover predicted recovery, the market invariably declined. The hearings foundered around at first because of inadequate attention on the part of distracted committee members, and woefully inadequate staffing. It seemed as if the Wall Street investigation was about to disappear into history as so many congressional investigations had done. "Nothing is so easy as to start a congressional investigation," a newspaper reporter had commented a few years earlier. "A resolution, a brief but violent speech, a few newspaper interviews—and the game is on." Most investigations died quiet and obscure deaths, often without filing reports, and rarely producing any legislative recommendations. But after the election the Wall Street investigation took a significant turn.[16]

In November 1932, the American public had rejected Herbert Hoover's leadership and elected Franklin D. Roosevelt as President of the United States. In that election, the voters also gave overwhelming control over Congress to the Democrats.

My good colleague, JENNINGS RANDOLPH, was one of them.

After fourteen years of Republican majorities, the Senate now had a 60 to 35 Democratic margin, with one independent. Senator Peter Norbeck, a progressive Republican from South Dakota, was the outgoing chairman of the Banking and Currency Committee, but because of the long interregnum between elections and the inauguration of a new president and Congress, Norbeck would remain in charge of the investigation until March. It was at this point that Norbeck hired a new chief counsel, a 51-year-old attorney from New York, Ferdinand Pecora. Senator Norbeck assured Pecora that the work of the investigation was largely over and little remained except to draft the final report. But looking through the committee's files, the fiery little Italian immigrant was frustrated over their lack of conclusive evidence. He persuaded Norbeck to allow

him to broaden the inquiry. Significantly, the new hearings opened in February 1933, a week after the governor of Michigan had declared a "bank holiday," shutting down the entire banking system in the state. State after state was following Michigan's example in a desperate effort to stave off further bank failures. "For the bewildered thousands of depositors who waited in line to withdraw their savings, if possible," one historian has noted, "the Banking Committee hearings provided a timely financial education." [17]

As his first subject for inquiry, Pecora chose Charles E. Mitchell, the prominent and flamboyant chairman of the National City Bank. Armed with subpoenas, Pecora and his staff went through the bank's records in preparation for the public hearings. Mitchell walked into the Senate Caucus Room on February 21, 1933, surrounded by lawyers and bank officials. He wore the expression of a man who could handle anything dealt to him.

He had testified before other counsels of the committee a year earlier with no difficulty at all. But under Pecora's questioning, the millionaire Mitchell conceded that he had paid no income taxes in 1929, after selling stock to his wife in an effort to establish a loss. "That sale was really just a sale of convenience to reduce your taxes?" one senator asked. "Yes," Mitchell replied. Pecora was also able to detail the speculative excesses and unethical practices of the National City Company, an investment firm tied to the bank, and how Mitchell and other bank officers had unloaded their own unprofitable stocks onto the bank's customers. The National City exposé made headlines nationwide, leading the new Democratic majority on the committee to decide to extend the investigation into the next Congress. As a result of his testimony, Charles Mitchell was forced to resign as chairman of the National City Bank, and the bank announced that it was severing its ties with the investment company. On March 2, as the Banking Committee recessed for the presidential inauguration, Pecora was conferring with Senator Norbeck in his office in the Russell Office Building. From the window they spied Charles Mitchell, walking along with stooped shoulders, carrying his suitcases toward Union Station, the retinue of bank officials no longer in sight.

Two days later the new president, Franklin Roosevelt, proclaimed in his inaugural address that "The money changers have fled from their high seats in the temple of our culture." Indeed, as Charles Mitchell was toppled from his position of eminence, other bankers appeared before the committee to confess to their own participation in the shocking financial excesses of the 1920's. Throughout 1933 and early 1934, Pecora called one banker and investment counselor after another. Even the mighty J. P. Morgan sat in the witness chair in the Caucus Room. Pecora's investigation was an object lesson to all other would-be congressional investigators: do your homework, prepare thoroughly, absorb yourself in the documentation.

And I would immodestly add: Listen carefully to what the witness says in his answers to your questions.

By the time it had concluded its inquiry, the Banking Committee saw the fruits of its labor written into law. The Securities Act of 1933, the Banking Act of 1933, and the Securities Exchange Act of 1934 all grew directly out of Pecora's revelations. In contrast to President Hoover's more limited objectives, the investigation resulted in the establishment of regular federal supervision of the sale of stocks and the operation of the stock exchanges. Now on the law books were mechanisms to prevent the draining of legitimate investments into fly-by-night operations, and to avoid a repeat of the great stock market crash of 1929.[18]

Mr. President, let me now turn to a period which gives me, as a Democrat, great pride to recount, and that is the "First Hundred Days" of Franklin D. Roosevelt and the New Deal. The "First Hundred Days" were not, as some commentators erroneously suggest, the first hundred days of the Roosevelt administration, but the length of the first session of the 73rd Congress, from March 9, 1933 (five days after Roosevelt took office), until the early morning hours of June 16, 1933, 51 years ago tomorrow. The New Deal's First Hundred Days began in an atmosphere of apprehension. The president declared a national bank holiday to shut the doors of every bank in the United States until emergency banking legislation could be drafted. But apprehension was mingled with excitement and exhilaration as members of Congress—particularly those on the recently swollen Democratic side—realized they were participating in a momentous period of American history.

I want to point out again with pride that of the 528 Members of Congress who participated in those 100 days, as I say, 51 years ago, only 1 is still serving in Congress, and that is my venerable colleague from the great State of West Virginia, Senator JENNINGS RANDOLPH, named after William Jennings Bryan.

When the first session of the 73rd Congress convened on March 9, 1933, the first order of business before the Senate was the president's Emergency Banking Relief Act. The House passed the bill that day after only thirty-eight minutes of debate, without having even seen a printed copy of its text. The Senate deliberated for the afternoon, and then passed the bill by a 73 to 7 margin at 7:30 in the evening. An hour later President Roosevelt signed it. The act permitted sound banks to reopen only under licenses from the Treasury Department, and gave increased powers to the Federal Reserve Board and the Reconstruction Finance Corporation to help stabilize the banking system and restore public confidence. Confidence, of course, was the key word, and on March 12, President Roosevelt made the first of his famous "fireside chats" over the radio to reassure depositors that their savings were safe, and to prevent a renewed run on the banks. Later in the Hundred Days the Glass-Steagall banking bill further strengthened American banks by requiring separation of investment from commercial banking. The Glass-Steagall bill also created the important Federal Deposit Insurance Corporation, which federally guaranteed bank deposits.

So no more, Mr. President, will a little boy sell the Cincinnati Post, put $7 in the bank in Matoaka, West Virginia, and watch the bank go under and never see his $7 again.

For those who claimed that the New Deal rammed its legislative program through Congress, or that Congress simply walked in step behind the president, FDIC provided evidence of the congressional role in shaping the Hundred Days. As we now know, President Roosevelt did not initially see the wisdom of the federally insured deposits, and the initiative for this measure came not from the White House but from Congress, Senator Arthur Vandenberg and Representative Henry Steagall being chief sponsors of the F.D.I.C. While it was true that Congress looked to the new president for leadership in a great national crisis, it is important to remember that the success of the Hundred Days came from the mutual cooperation of the executive and legislative branches, and their ability to draw from each other's strengths.

One of the major bills to come out of that Hundred Days session was the Muscle Shoals Bill, which set up the Tennessee Valley Authority. In earlier remarks I described how Senator George Norris had persisted during the 1920's in sponsoring legislation for federal development of public power plants on the Tennessee River. Presidents Coolidge and Hoover had vetoed such legislation, but President Roosevelt made known his support. On March 9, 1933, Senator Norris reintroduced his bill. The Senate Majority Leader, Joseph Robinson of Arkansas, asked Norris and other senators if they would refrain from introducing legislation "not having relationship to the present emergency," but Norris

countered that his bill did "have something to do with the continuation of employment." And indeed, Mr. President, Congress passed Norris' bill creating the Tennessee Valley Authority, which President Roosevelt signed on May 18. Over the next fifty years the TVA's building of hydroelectric plants and programs for flood control and land reclamation radically changed the nature of that region, greatly improving the quality of life for its residents.[19]

The Banking Act and the TVA Act were but two of the important legislative results of that first Hundred Days. There was such an array of laws coming out of that session, that it is difficult to condense them. There was, for example, the Economy Act, passed by the Senate on March 15, and signed by the president on March 20, which cut federal salaries by up to fifteen percent and reorganized certain federal agencies in an effort to reduce federal expenditures. Looking back, this act of orthodox economics, designed to balance the budget and restore confidence, seems out of character for the Roosevelt administration, which later embraced deficit spending as its tool for overcoming the depression; but enactment of the Economy Act symbolized the pragmatic and experimental nature of the New Deal—it tried orthodox measures and when they failed it did not hesitate to try unorthodox approaches. Also in March of 1933 came the Civilian Conservation Corps Reforestation Relief Act. We remember the CCC in West Virginia. We remember it as a wonderfully imaginative program that gave employment to 250,000 young men across the Nation, putting them to work planting trees, halting soil erosion, building roads, and doing other useful tasks. It was in March, 1933 that Roosevelt signed the bill sending the 21st Amendment to the states for ratification, to repeal Prohibition. And in December, when ratification was completed, the "Noble Experiment" of the Roaring Twenties came to an end.

In May, came another burst of significant legislation. In addition to TVA there was the Federal Emergency Relief Act, which appropriated $500 million in matching funds to state and local governments to estabish work relief programs, putting the unemployed back to work. Roosevelt appointed Harry Hopkins to head the FERA, and even before he had an office, Hopkins moved a desk into a hallway and began distributing work relief funds. On the same day that Roosevelt signed the FERA, he also signed the Agricultural Adjustment Act, designed to help farmers by eliminating surplus crops and establishing parity prices for farm commodities. There was also the Federal Securities Act, which I mentioned earlier, which required full disclosure of stock information to investors.

In June, Congress passed a joint resolution abandoning the gold standard, a move to stimulate prices. Following on its heels came the National Employment System Act, establishing the United States Employment Service. The Home Owners Refinancing Act created HOLC, the Home Owners Loan Corporation, to refinance home mortgage debts. The Glass-Steagall Banking Act established federal deposit insurance. The Farm Credit Act aided the refinancing of farm mortgages. The Emergency Railroad Transportation Act promoted financial reorganization of the railroads.

Finally, the crown jewel of the Hundred Days was the National Industrial Recovery Act, which the president signed on June 16 at the end of that spectacular first session. That is 51 years ago tomorrow. This act established the famous National Recovery Administration, or NRA, with its "blue eagle" symbol and its slogan "We Do Our Part." The NRA sponsored industry-wide boards to establish fair competition codes. Business and labor sat at common tables to work out arrangements designed to raise and stabilize prices and wages. The system was based on industrial self-regulation, and gave industries which cooperated some relief from anti-trust restrictions.

In return they agreed to recognize labor's right to organize. Ultimately, the NRA did not work as well as it was intended, and eventually the Supreme Court ruled that Congress had unconstitutionally delegated too much of its authority to the NRA. But it is important not to forget the tremendous national morale boost that the NRA initially produced, how people marched in the street under its banners, and how it contributed to the restoration of public confidence. "The only thing we have to fear, is fear itself," Franklin Roosevelt had proclaimed. That message was not all that different from Herbert Hoover's optimistic prediction. The difference was that the people believed Roosevelt.[20]

Mr. President, I began this address with an extended discussion of Herbert Hoover, trying to give him due credit as a remarkable man and a talented administrator, and trying to understand why he failed as president. Franklin Roosevelt was a very different man and president. Born into an old and wealthy family, he enjoyed great privilege in life, by contrast to Hoover the orphan boy. The turning point in Roosevelt's life, however, occurred in 1921 when he contracted paralytic polio. People who lived through the Roosevelt years really had no idea how severely handicapped the president was, that he was unable to walk without heavy braces, that he was confined to a wheelchair, and that he needed to be carried up steps. Roosevelt's ebullient spirit covered his affliction. He was a man supremely confident in his own abilities, who radiated his confidence to others. Franklin Roosevelt, who needed physical assistance to move about, understood that giving assistance to those in need would not necessarily rob them of their initiative and their spirit. Giving jobs to the unemployed, protecting the bank depositor, helping farmers not to lose their land, saving homes from foreclosure, was to him the simple, rational response to a great national economic catastrophe. He never shared Hoover's fears and, therefore, he was free to act and to experiment. That is what made the New Deal such a popular success, and won Franklin Roosevelt an unprecedented four elections to the presidency.

FDR has largely stolen the attention of historians and political scientists away from the men, activities, and contributions of Congress during that era. Roosevelt's "Brains Trust" and other young advisors were gifted and creative originators and drafters of legislation, and the president dealt closely with his party leaders in both houses, making himself open and accessible. But his program also benefited from the support and leadership of some highly capable committee chairmen. In the Senate, the two money committees, so critical for shaping any legislative package, were in the hands of shrewd Southerners. Pat Harrison of Mississippi chaired the Finance Committee, while Carter Glass of Virginia chaired Appropriations. Both were essentially conservative men, but they were willing to work with the new president and to support his liberal programs. "I am a good Democrat and I go through," Harrison explained.[21] The silverite Senator Key Pittman of Nevada chaired Foreign Relations; the eloquent Henry Fountain Ashurst was chairman of the Judiciary Comittee; the progressive C.C. Dill of Washington headed Interstate Commerce, which would handle much of the regulatory legislation. Other legislative strategists included James Byrners of South Carolina, Kenneth McKellar of Tennessee, Robert Wagner of New York, and Hugo Black of Alabama. The Western Progressive Republicans who had played such an influential role in promoting reform during the 1920's—men like William Borah and Hiram Johnson—went into eclipse during the 1930's. For one, they were no longer committee chairmen, but more importantly they could not adjust to the experimental nature of the New Deal. There were men more attuned to the Republican Roosevelt, Teddy, than to his distant cousin Franklin. With the exception of Senator Norris and "Young Bob" La Follette, they became severe critics of

the New Deal, and in later years they broke with Roosevelt entirely over foreign policy—which will be the subject of a later address in this series.[22]

Democratic leadership was ably provided by Joe T. Robinson, who sat at this desk. I see his name inside the desk. Senator Robinson was by all descriptions a commanding figure with a "terrifying, open-air voice." He seemed to be able to shake the Senate chamber when he spoke. Robinson sat on the Senate floor every afternoon, waiting, cajoling, counseling, not saying a great deal, but with his presence making sure that people got on with their business. He had a "Scotch temper," we are told, and would brook almost no opposition. The one senator who rankled Robinson the most was the irrepressable Huey Pierce Long of Louisiana. Senator Long—father of our own Russell Long, the distinguished senior senator from Louisiana—was perhaps the most colorful and iconoclastic member of the Senate in the 1930's. Darrell St. Claire, who for many years was Assistant Secretary of the Senate, came to work for Senator Carl Hayden during the first Hundred Days in 1933. Many of us remember Darrell St. Claire. He recalled seeing Senator Robinson completely lose his temper with Huey Long during one Senate debate: "I can see Joe Robinson now going all the way down that empty row to Long, talking at the top of his voice," St. Claire described it, "and putting his fist under Long's face as he stood over him. . . . Robinson was shaking his fist under Long's chin, roaring out his words. Long, seated, looked meanwhile at the ceiling as if he heard nothing, as if he had no idea anyone was anywhere around." St. Claire found Huey Long "probably one of the most extraordinary minds that was ever on the floor. A man who could speak on anything after a minimum of preparation, because he had an extraordinarily receptive and retentive mind.

I have heard the late Senator Harley Kilgore talk about Senator Huey Long in the same way. I heard him say that Senator Long would come down to the restaurant, sit down with other Senators and say "Well, fellows, what do you want to discuss today?" Another thing that Senator Kilgore said about Senator Huey Long was that he was a man who had "unlimited brass."

Huey Long could speak to the horizon, you could hear him anywhere in the chamber. He spoke rapidly, using what I would say was the vernacular of the South, but in perfect grammatical form. Huey Long was a master at using humor and sarcasm in debate, and when he spoke, the presiding officer frequently had to quiet the galleries which were roaring with laughter. In many ways Senator RUSSELL LONG is the same. In those days the walls of the Senate chamber had decorative recesses, which were subsequently enclosed for accoustical purposes; but Senator Long would keep a Biblical Concordance and a Shakespearean Concordance in the recess by his desk, and in the midst of debate he would whip out a volume and throw an appropriate Biblical or Shakespearean quote into the fray. It was Senator Long, in fact, who gave the Senate reporters of debate the reference Bible that they use today, so they could double check his quotations.

The only Senator who could match Huey Long in color and debate style was J. Hamilton Lewis, the first party "whip." There is a fine portrait of Senator Lewis hanging in the corridor just outside this chamber, but it does not do complete justice to his sartorial splendor, his pink whiskers, and his toupees, which he was reported to change daily. "Very few could ever understand what J. Hamilton Lewis was talking about anyway," Darrell St. Claire recalled. "He was a man who just kept talking, quietly, rather disconnectedly, because I think he felt that if he kept on saying something people would think he was saying something, when in actual fact, all he was doing was reaching for words. Long found him to be quite a delight, because Ham would stand up and point to Long with his gloved fingers and lecture the senator from Louisiana on his manners."[23]

Senator Long was also largely responsible for the presence of a woman senator in this chamber during the New Deal, and that was Hattie Caraway, who was appointed to succeed her late husband Thaddeus Caraway in 1931. When she filed to run for reelection in 1932 no one gave her a chance to win. They assumed she would serve only for a year to keep the seat warm until a male was elected. But Huey Long decided to campaign for Mrs. Caraway, crossing the border from his own state of Louisiana into Joe T. Robinson's Arkansas and canvassing the entire state. Many political observers interpreted Long's campaign as a sign of his national ambitions and as a warning to powerful Senator Robinson to take him seriously. With Huey Long's support, Mrs. Caraway became the first women elected to a full six-year term in the Senate. Historians sometimes assume that she could not have won without Long's support, but it is interesting to note that after Long's death in 1935, Mrs. Caraway went on to win renomination and election in 1938, defeating the late John L. McClellan in the Democratic primary. She was finally defeated for renomination in 1944 by the young J. William Fulbright.[24]

Senator Long wrote two books that I would commend to my colleagues. His memoirs. Every Man a King, told his life and philosophy, but a second book, My First Days in the White House, rather candidly told of his national ambitions. My First Days in the White House is, as Huey Long described himself as *sui generis*, or unique. In his humorous style, Senator Long outlined what he would do as president, including the naming of his cabinet, and his intention of appointing Franklin Roosevelt as secretary of the Navy. There were indeed many indications that Senator Long planned a presidential campaign, perhaps as an independent, in 1936 or 1940. That was never to be, however, for in September 1935 the senator was assassinated in the state capitol building in Baton Rouge, Louisiana. His memory has been preserved since then in novels, poetry, stage plays, and motion pictures, and in a monumental biography, *Huey Long* by the late Professor T. Harry Williams.[25]

I have spent considerable time on Senator Long, who was a junior senator, did not chair a committee, and was not in a position to significantly shape legislation—but who in fact exerted considerable influence on the New Deal's legislative program between 1933 and 1935. The threat of Long's candidacy against Franklin Roosevelt, combined with the pressure from other popular leaders with radical solutions, men like Dr. Francis Townsend, who proposed an old-age pension scheme, and Father Charles Coughlin, the popular "radio priest," and Milo Reno, the farm protest leader, and even from the Socialist and Communist parties, whose ranks were growing in response to the economic crisis, forced Democratic leaders constantly to reassess their programs. While there was a "New Deal Boom" in 1933, improving economic conditions, the Nation was still locked in a terrible depression and millions of people were still out of work. In February 1934—the year in which I graduated from Mark Twain High School, Stotesbury, West Virginia, Congress enacted the Civil Works Emergency Relief Act, authorizing an additional billion dollars to the FERA for civil works projects to put people back to work. Nineteen Thirty-Four also saw the passage of the Farm Mortgage Refinancing Act, the creation of the Export-Import Bank, the Crop Loan Act, the Cotton Control Act, the Municipal and Corporate Bankruptcy Acts, the creation of the Securities and Exchange Commission, the Federal Communications Commission, and the Federal Housing Administration. The congressional elections that year served as a ratification of the early New Deal. Usually in the "mid-term" elections the incumbent party loses seats in Congress, but in 1934 the Democrats gained nine seats in the Senate and nine seats in the House.

In 1935, the Congress convened on January 3, as set by the new 20th

Amendment to the Constitution sponsored by Senator Norris. No longer would a new Congress need to wait a year between its election and its first meeting. No longer would "lame duck" members remain in office so long after their defeat. No longer would five-month interregnums exist between the election and inauguration of a president. On January 4, President Roosevelt appeared in person to deliver his State of the Union message. "The outlines of the new economic order, rising from the disintegration of the old, are apparent," he proclaimed. "We test what we have done as our measures take root in the living texture of life. We see where we have built wisely and where we can do still better."

President Roosevelt proposed a threefold plan of action: that the federal government should ensure "the security of a livelihood through the better use of the national resources of the land in which we live", "the security against the major hazards and vicissitudes of life", and "the security of decent homes." Although not completely spelled out at that time, these became the heart of what some historians call the "second hundred days," of the second New Deal." [26]

The first action of this new program was the Emergency Relief Appropriation Act, which the president signed on April 8. We remember this act for its creation of the Works Progress Administration, or WPA, under the talented leadership of Harry Hopkins. Here was the creation of Federal works programs to put literally millions of Americans to work, constructing highways, building courthouses and libraries, building airports, repairing and landscaping parks. If you walk on the sidewalks of many a town in my home state of West Virginia you may see the initials "W.P.A." inscribed in the concrete at the corner, reminding us who put those sidewalks down.

But the unemployed who found employment through the WPA were not all construction workers and heavy laborers. The WPA recognized that artists, musicians, actors, and writers were also suffering mightily during the Depression. Even today, you can walk into many a federal building, or a local school, or a courthouse, and find a magnificent mural painted by WPA artists. From a high school library in the Bronx to Coit Tower on Telegraph Hill in San Francisco, these murals are a reminder of this imaginative program. Many Americans saw their first stage play, or heard their first opera or symphony from a traveling WPA theater program. As Professor William Leuchtenburg has written of the WPA: "It restored the Dock Street Theater in Charleston; erected a magnificent ski lodge atop Oregon's Mount Hood; conducted art classes for the insane in a Cincinnati hospital; drew a Braille map for the blind at Watertown Massachusetts; and ran a pack-horse library in the Kentucky hills." Writers turned out guides to cities and states, and conducted some of our first "oral history" projects, including an important series of interviews with elderly people who had been born slaves, and who gave us our final first-hand account of that "peculiar institution." Those who disparaged the WPA as a boondoggle filled with leaf-rakers and shovel-leaners ignored its imagination and vitality and its positive contributions to rebuilding the human spirit of the unemployed during the Depression.[27]

May 1935 was a critical month for the New Deal. Congress continued to produce important legislation: the Resettlement Act, setting up the Resettlement Administration to help farm families, and to construct "new towns" to house workers—the town of Greenbelt, Maryland, just outside Washington is one of those communities. The Rural Electrification Administration was also created that month. But on May 27, the New Deal received a major body blow from the Supreme Court, which unanimously ruled the National Recovery Administration unconstitutional. It was clear to many observers that the NRA was not doing its part; that it had overextended itself and could not police all of its codes; that large businesses were using the codes to squeeze small businesses out of the market; and that they were not all honoring their pledge to recognize labor's right to organize. Still, the NRA and its Blue Eagle had been an important symbol of the New Deal's recovery effort, and its demise left a gaping hole in the president's program that needed to be filled.

So it was at this point that the New Deal took a very significant turn, and the Senator who played the largest role in that development was Robert Ferdinand Wagner of New York. When we speak of significant Senators in the twentieth century, Robert Wagner must be numbered among them. Born in Germany, he immigrated to the United States at the age of nine with his family. His father was a janitor in a New York tenement where the Wagner family lived in the basement; his mother took in laundry; and young Robert Wagner got his start as a newsboy. His brothers saved enough to send him to the City College of New York and to New York Law School.

In 1898, Wagner began his long association with New York's Tammany Hall, which in 1904 launched his political career with an election to the New York state assembly. As a state legislator, Wagner chaired a special investigating commission to inquire into factory safety after the infamous Triangle Shirtwaist Company fire, in which 146 women workers died. This was a sobering experience for Wagner and the commission's co-chairman, Alfred E. Smith, which led them to sponsor some sixty bills in the New York state legislature for more humane working conditions. Fifty-six of the Wagner-Smith bills became law. Al Smith went on to become governor of New York and a presidential candidate; Robert Wagner was elected to the state supreme court, and in 1926 to the United States Senate.[28]

In the Senate, Robert Wagner was consistently rated as one of the hardest working members. He was an immaculate dresser, with his Phi Beta Kappa key dangling from a watch chain; he smoked cigars; and he retained some of his "Tammany East Side" diction. As his biographer, J. Joseph Huthmacher, wrote: "He lacked the flair of showmanship that friends like Al Smith, and senatorial colleagues like Huey Long and J. Hamilton Lewis, possessed to consummate degrees." He never played to the galleries. He seemed self-consciously shy. Senator Henry F. Ashurst recalled how Wagner would blush if he mispronounced a word in a debate. A senator was more likely to find Wagner in the cloak room or the committee room than on the Senate floor. Nevertheless, he was a supreme legislative craftsman. Simon Rifkind, Wagner's secretary, recalled the senator's transformation when he had an important bill pending. He was "like a great actor who has absorbed a role"; he would become unusually sociable with his senatorial colleagues; he would employ every technique to win the friendship, good will, and support of his fellow senators. As a result he was speedily accepted into the Senate's "inner club," the senior members who in those days controlled what happened in this body.[29]

Senator Wagner was a man with a vision of what the government could and should do. "The Democratic party can well afford to plead guilty to the charge . . . that we are dreamers," he once said. "If a government or a people is to progress, its goal must ever be a little beyond its reach." In 1935, Senator Wagner shepherded through Congress two of the most important bills ever passed during the New Deal. The first was the Social Security Act, drafted in Secretary of Labor Frances Perkins' office, which set up a national old-age pension system and provided federal grant-in-aid to states to assist dependent mothers and children. Interestingly, in light of the recent "bail-out" efforts for Social Security, the drafters of the measure were aware that Social Security taxes would not cover all expenses, and they proposed that the "deficit" in the fund should be paid by federal contributions directly from the general tax revenues. A more conservative faction in the administration, led by Treasury Secretary Henry Morgen-

thau, Jr., insisted that the Social Security system be put on a self-supporting basis. Reluctantly, Senator Wagner supported this position in order to win passage of the bill.

On the second measure, however, Wagner pressed ahead despite some administration reluctance. This was the National Labor Relations Act, better known as the Wagner Act, which created the National Labor Relations Board. This bill was designed to replace section 7(a) of the NRA, by which business recognized labor's right to organize collectively. The president, according to Frances Perkins, "never lifted a finger" for the labor relations act. Instead Roosevelt adopted a neutral stance. As Professor Huthmacher has written: "Rejecting the advice of some top Democratic leaders in Congress, the Chief Executive gave Wagner a green light in order to see how far he could get, on his own, with his pet bill. The outcome astonished the president perhaps as much as it did anyone else." After ushering the bill through committee, and defending it in the national press, Senator Wagner beat back a series of crippling amendments, drafted by the National Association of Manufacturers, and saw the passage of his bill by a margin of 63 to 12, on May 16, 1933. Professor William Leuchtenburg has termed the Wagner Act "one of the most drastic legislative innovations of the decade." It changed the face of labor-management relations. As we know, the Wagner Act permitted the NLRB to hold elections in which workers could vote to join or not to join a union. Passage of this bill provided a tremendous boost to the American labor movement and contributed to the rise of the Congress of Industrial Organizations, or CIO, which began organizing the masses of unskilled and semi-skilled workers who had long been ignored by the American Federation of Labor, or AFL. The Wagner Act, as its author proclaimed, aimed to protest workers "caught in the labyrinth of modern industrialism and dwarfed by the size of corporate enterprise," to keep them from becoming the mere "playthings of fate."[30]

For every action, there is a reaction, and the reaction to the New Deal was loud and severe. Conservative businessmen and politicians joined together in a Liberty League to oppose Franklin Roosevelt and such New Deal measures as Social Security and the Wagner Act. Roosevelt was villified in the conservative press. His opponents decried him as a dictator. Two well-known cartoons of the 1930's captured the spirit of these attacks. In one a little girl is calling "Mother, Wilfred wrote a bad word!" And on the sidewalk her brother is seen writing: "ROOSEVELT." In the other, a group of fashionably dressed people are seen outside the window of an obviously expensive home. "Let's all go down to the Trans-Lux to hiss Roosevelt in the newsreels," they propose. The anti-Roosevelt barrage was so intense that two historians have written a book about it, aptly titled *All But The People.* The anti-Roosevelt groups had "all but the people" behind them. In 1936, the *Literary Digest* predicted a landslide for the Republican candidate, Governor Alfred M. Landon of Kansas, father of the very distinguished, likable and effective junior senator from Kansas, Nancy Kassebaum. But when the votes were tallied, Roosevelt had won with over sixty percent of the vote. His broad coat-tails carried Democrats into office seemingly by the truckload. The Senate in the 75th Congress contained 76 Democrats and only 16 Republicans, with 4 Farmer-Laborites and Progressives.

There were so many Democrats in the Senate that junior members had to be seated on the Republican side of the aisle. In the House, the Democrats enjoyed a 331 to 89 margin.[31]

Mr. President, it is a strange fact of political life that too great a victory can be a detriment. Landslides can cause political leaders to lose perspective, to become cocky, to consider themselves invincible, to let down their guard, and lose their protective sense of caution. Certainly this was true of Franklin Roosevelt in 1937. In the moment of his greatest electoral victory, the president allowed himself to make a terrible political blunder. With the executive and legislative branch locked solidly in Democratic control, the president turned his focus to the judiciary, and specifically to the Supreme Court. During his first term in office he had made no appointments, and a majority of its members were conservative Republicans, presided over by Chief Justice Evans Hughes, the Republican presidential candidate in 1916. Roosevelt feared that the court would invalidate key elements of the New Deal, such as Social Security and the Wagner Act, as it had ruled unconstitutional the National Recovery Act and the first Agricultural Adjustment Act. He decided to use his election mandate to reform the court.

Instead of confronting the court's obstructionism openly, Roosevelt argued that the justices' advancing age was retarding their work. He proposed a retirement pension system along with the addition of "younger blood." By this Roosevelt meant that he would request that for every justice over the age of seventy he could add another appointee, until the Supreme Court contained as many as fifteen members. The number of justices of the Supreme Court, by the way, is not set by the Constitution, but by statute, so Roosevelt was completely within his rights to make such a proposal. But what a storm it raised! Critics called it a Supreme Court "packing" plan, that would undermine the independence of the judiciary. "Many Americans were suspicious of any tampering with the court," Professor James Patterson has written. "To these people court and Constitution were almost synonymous." President Roosevelt had not taken members of his party into his confidence while planning his court offensive. Party leaders were informed shortly before the public announcement was made. As Vice President John Nance Garner and Senate and House Democratic leaders left the White House to return to the Capitol they were so stunned they hardly spoke.[32]

The president's Supreme Court plan fired up and revitalized conservatives in Congress, and forged a new alliance between conservative Democrats and Republicans. The Senate's tiny band of Republicans, led by Senator Charles McNary, wisely took back seats in the debate and let the two factions of the large Democratic majority fight out this war between themselves. Not only did Southern Democrats—such as Harry Byrd, Sr., and Carter Glass of Virginia and Josiah Bailey of North Carolina—oppose the bill, but they were also joined by such erstwhile progressives as Burton K. Wheeler of Montana—"Fighting Bob" La Follette's runningmate in the 1924 campaign. "I am against the president's proposal," said Wheeler, "because it is a sham and a fake liberal proposal. It doesn't accomplish one of the things that the liberals of American have been fighting for. It merely places upon the Supreme Court six political hacks." On the Senate Judiciary Committee, seven Democrats and three Republicans opposed the president's plan, but despite the committee's adverse decision the president pressed on. In the meantime, Justice Owen Roberts, the swing vote on many 5-4 decisions, had begun casting his vote in favor of New Deal measures, thus reducing some of the urgency of the court reform. Debate on the plan began on July 6 and was "Unprecedentedly bitter." Senator Joe Robinson led Roosevelt's forces, while Senator Wheeler led the opposition.

Whatever chance Roosevelt had of winning, however, evaporated on July 14 when the Senate received news that Senator Robinson had died in his apartment at the Methodist Building just across First Street, overlooking both the Capitol and the Supreme Court. At the urging of President Roosevelt, Vice President Garner sought out Senator Wheeler, on the train returning from Robinson's funeral, and sought a compromise. Garner told Wheeler to set his own terms, but for "the sake of our party, be reasonable." The end of the court reform plan

came on July 22 when the Senate voted 70 to 20 to recommit the bill to the Judiciary Committee. The revised Judicial Procedure Reform Act that passed the following month reformed some procedures of the lower courts but left the Supreme Court untouched.[33]

They say that Roosevelt lost the battle and won the war, that is that he lost on his reform bill but within the next four years was able to appoint a majority of the court's members. But in the larger sense, Roosevelt suffered a terrible setback as a result of his court reform plan. He united the opposition in Congress against him in a way they would have been completely incapable of achieving on their own. He helped forge a conservative alliance that frustrated much of the remainder of his domestic program. Over the next two years the Congress did pass the Bankhead-Jones Farm Tenant Act to set up the Farm Security Administration to help tenant farmers, sharecroppers, and farm laborers. It passed the second Agricultural Adjustment Act, modifying the AAA that the Supreme Court had struck down. And in June 1938 it passed the Fair Labor Standards Act, also known as the Wages and Hours Law. In other administrations these would be touted as major accomplishments, but measured against Roosevelt's earlier successes the pace of the New Deal was clearly slowing down. When Roosevelt called Congress into special session in November 1937 he proposed an ambitious legislative package, but during the five week session the Senate and House failed to enact a single one of his proposals. The Congress handed the president an embarrassing defeat on his executive reorganization plan, with conservative members charging that Roosevelt was seeking dictatorial powers. That plan, to create the Executive Office of the Presidency and enable the president to appoint a handful of special assistants, seems quite modest when we consider the bloated size of the White House staff today, but back then Roosevelt's plan appeared ominous.[34]

In the congressional elections of 1938, President Roosevelt decided to "purge" the Democratic party of its conservative leaders by campaigning for their liberal challengers in various Democratic primaries. The President went to Georgia to campaign against Senator Walter George, and to Maryland to campaign against Senator Millard Tydings. But they won, as did other conservatives in the party. That fall, for the first time since 1930, Democrats lost seats in Congress, although they held on to their majorities in both houses. The opposition to Roosvelt's programs in the 76th Congress would be even greater.[35]

The record of Roosevelt's second administration did not live up to the high expectations following his landslide reelection in 1936. If domestic matters had been the only concern, Roosevelt's presidency might have ended with his retirement in 1940 after completion of his second term. He would have held a record of unprecedented legislation for both recovery and reform to claim his legacy. The New Deal changed the relationship between individuals and their governments, and built a "safety net" to protect against the hardships of economic recession and depression. When American citizens deposit their savings in a bank, buy a stock, join a union, turn on an electric light switch, or receive a Social Security check in the mail, they are still being influenced by New Deal programs. For all this, even if Franklin Roosevelt had retired in 1940, he would still be remembered kindly by history.

But Roosevelt was not ready for retirement, and his story was not yet over. The dismal record of his domestic program during his second term did not become the primary issue in the election of 1940. Foreign, not domestic, policies dominated the headlines. Roosevelt's critics may have tried to paint him as a dictator, but overseas there were real dictators who threatened world peace, and the American public was able to tell the difference. The United States became locked in a great national debate over whether to stick to its neutrality once Europe plunged into another world war, or to support their allies in their struggle against Hitler and Nazism. Mr. President, this was such a great and dramatic story, in which the United States Senate stood at the very center of the debate, that I shall save it for now and make it the subject of my next address in my continuing series on the history of the United States Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point footnotes to "The Senate and the Great Depression."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTES TO "THE SENATE AND THE GREAT DEPRESSION"

[1] *Congressional Record*, 72nd Congress, 1st sess., 13229; Donald J. Lisio, *The President and Protest: Hoover, Conspiracy, and the Bonus Riot* (Columbia: 1974), 111-114.

[2] Geoffrey Perrett, *America in the Twenties: A History* (New York: 1982), 479-481.

[3] Arthur M. Schlesinger, Jr., *The Crisis of the Old Order, 1919-1933* (Boston: 1957), 171.

[4] Herbert Hoover, *The Memoirs of Herbert Hoover: The Cabinet and the Presidency* (New York: 1952), Vol. II, 191-193.

[5] David Burner, *Herbert Hoover, A Public Life* (New York: 1979), 257-258; Hoover, *Memoirs*, Vol. II, 217.

[6] Joan Hoff Wilson, *Herbert Hoover: Forgotten Progressive* (Boston: 1975), 104-107; Richard Lowitt, *George W. Norris: The Persistence of a Progressive, 1913-1933* (Urbana: 1971), 416-421.

[7] Hoover, *Memoirs*, Vol. II, 268-269.

[8] Ibid., 269-270.

[9] Hoover, *The Memoirs of Herbert Hoover: The Great Depression, 1929-1941* (New York: 1952), Vol. III, 101.

[10] Burner, *Herbert Hoover*, 258-259.

[11] *Congressional Record*, 72nd Congress, 1st sess., 36-38, 1093.

[12] Ibid., 22-26.

[13] Burner, *Herbert Hoover*, 268-279; Patrick J. Maney, *"Young Bob" La Follette, A Biography of Robert M. La Follette, Jr., 1895-1953* (Columbia: 1978), 90-102.

[14] See Albert U. Romasco, "Herbert Hoover's Policies for Dealing with the Great Depression: The End of the Old Order or the Beginning of the New?" in *Herbert Hoover Reassessed: Essays Commemorating the Fiftieth Anniversary of the Inauguration of Our Thirty-First President*, Senate Document 96-63, 96th Congress, 2nd sess. (Washington: 1981), 292-307.

[15] Hoover, *Memoirs*, Vol. III, 195.

[16] J Frederick Essary, *Covering Washington, Government Reflected to the Public in the Press, 1822-1926* (Boston: 1927), 212-213.

[17] Donald A. Ritchie, "The Pecora Wall Street Expose," in Arthur M. Schlesinger, Jr. and Roger Bruns, eds., *Congress Investigates: A Documented History, 1792-1974* (New York: 1975), Vol. IV, 2562.

[18] Ibid., 2555-2578; see also Donald A. Ritchie, "The Legislative Impact of the Pecora Investigation," *Capitol Studies*, Vol. V (Fall 1977), 87-101.

[19] CONGRESSIONAL RECORD, 73rd Congress, 1st sess., 46-47.

[20] A useful summary of the legislation enacted during the first Hundred Days can be found in Richard B. Morris, ed., *Encyclopedia of American History* (New York: 1976), 403-409; for more extensive treatment of the period see William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal* (New York: 1963), and Frank Freidel, *Franklin D. Roosevelt: Launching the New Deal* (Boston: 1973), Vol. IV.

[21] Martha H. Swain, *Pat Harrison: The New Deal Years* (Jackson: 1978), 52.

[22] See Ronald L. Feinman, *Twilight of Progressivism: The Western Republican Senators and the New Deal* (Baltimore: 1981).

[23] "Darrell St. Claire, Assistant Secretary of the Senate," Oral History Interviews for the Senate Historical Office: 1976-1978, 16-25.

[24] See Diane Kincaid, *Silent Hattie Speaks* (Westport: 1979).

[25] Huey P. Long, *Every Man A King: The Autobiography of Huey P. Long* (New Orleans: 1933), and *My First Days in the White House* (New Orleans: 1935); T. Harry Williams, *Huey Long* (New York: 1969).

[26] *Congressional Record*, 74th Congress, 1st sess., 94-97.

[27] Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 125-128.

[28] Thomas C. Leonard, "Robert Ferdinand Wagner," *Dictionary of American Biography* (New York: 1977), Vol. V, 717/719.

[29] J. Joseph Huthmacher, *Senator Robert F. Wagner and the Rise of Urban Liberalism* (New York: 1971), 111-113.

[30] Ibid., 174-198.

[31] George Wolfskill and John Hudson, *All But The People: Franklin D. Roosevelt and His Critics, 1933-1939* (New York: 1969).

[32] James T. Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939* (Lexington: 1967), 87, 91-92.

[33] Ibid., 114-127.

[34] See Richard Polenberg, *Reorganizing Roosevelt's Government: The Controversy Over Executive Reorganization, 1936-1939* (Cambridge: 1966).

[35] Patterson, *Congressional Conservatism*, 270-287.

(During the foregoing address, the chair was occupied by Senator WILSON and Senator SYMMS.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wyoming [Mr. SIMPSON], who occupies the chair at this time, and other Senators who have occupied the chair before him today, as they have patiently listened to this long discourse.

I also thank the officers of the Senate and the employees who sit at

the tables and the desks, as well as the pages, for being so patient.

I sort of feel a little tired myself after listening to a statement so long as this, but I hesitate to insert it in the RECORD without reading it. These statements on the Senate history, I think, are too precious to be inserted in the RECORD but instead should be read. I yield the floor.

The PRESIDING OFFICER [Mr. SIMPSON]. The Chair is privileged to agree that the sort of record of the Senate which is presented by the Senator from West Virginia is absolutely extraordinary. I deeply appreciate it. There is no one else in this body presently who can match the Senator's history of the Senate.

(The following preceedings occurred earlier and are printed at this point by unanimous consent.)

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BAKER. Mr. President, there is already an order for the Senate to convene on Monday next. I ask unanimous consent that when the Senate does so, the Senator from Wisconsin [Mr. PROXMIRE] be recognized after the two leaders on special order for the transaction of routine morning business of no more than 30 minutes in length in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I remove my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on Monday, we will convene pursuant to recess and, after the time for morning business has expired, we will resume consideration of the defense authorization bill. I hope that by Monday we will be within sight of final passage.

I repeat briefly what I said earlier today, that is, I hope we can get a unanimous-consent agreement approved on both sides that would provide for a time certain for passage of this bill no later than Tuesday during the day and that we would identify the amendments as the only amendments which would be in order.

Such request is being prepared. Senators on this side are being solicited for identification of amendments they wish to offer. I will consult further with the minority leader in respect to such proposal. I do not anticipate that we will be able to get that agreement today. Senators are on notice that such an effort will be made on Monday.

RECESS UNTIL 10 A.M. ON MONDAY, JUNE 8, 1984

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 10 a.m. on Monday next.

Thereupon, at 4:07 p.m., the Senate recessed until Monday, June 18, 1984, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1984:

EXECUTIVE OFFICE OF THE PRESIDENT

John P. McTague, of California, to be an Associate Director of the Office of Science and Technology Policy.

Bernadine Healy Bulkley, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Clyde A. Bragdon, Jr., of California, to be Administrator of the United States Fire Administration.

FEDERAL COMMUNICATIONS COMMISSION

James H. Quello, of Virginia, to be a Member of the Federal Communications Commission for a term of seven years from July 1, 1984.

DEPARTMENT OF LABOR

Frank C. Casillas, of Illinois, to be an Assistant Secretary of Labor.

FEDERAL COUNCIL ON THE AGING

Albert Lee Smith, Jr., of Alabama, to be a Member of the Federal Council on the Aging for a term expiring December 19, 1985.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The following-named persons to be Members of the Board of Trustees of the Harry S. Truman Scholarship Foundation for terms expiring December 10, 1989:

Anita M. Miller, of California.

Elmer B. Staats, of the District of Columbia.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Robert M. Hill, of Texas, to be U.S. circuit judge for the fifth circuit.

Rudi M. Brewster, of California, to be U.S. district judge for the southern district of California.

James M. Ideman, of California, to be U.S. district judge for the central district of California.

William J. Rea, of California, to be U.S. district judge for the central district of California.

Peter K. Leisure, of New York, to be U.S. district judge for the southern district of New York.

Franklin S. Billings, Jr., of Vermont, to be U.S. district judge for the district of Vermont.

DEPARTMENT OF JUSTICE

Layn R. Phillips, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years.

John D. Tinder, of Indiana, to be U.S. attorney for the southern district of Indiana for a term of 4 years.

Joseph Wentling Brown, of Nevada, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1986.

IN THE COAST GUARD

Coast Guard nominations beginning Herbert W. Davis, Jr., and ending John C. Crawford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 4, 1984.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Michael H. Fleming, and ending Stephen M. Brezinski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 24, 1984.